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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 27 September 2011 at 7.03pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.03pm and welcomed everyone in attendance. He then paid respect to the Noongar peoples, past and present, the traditional custodians of the land we are meeting on, and acknowledged their deep feeling of attachment to country.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives'

Note: Mayor / Council Representatives Activities Report for the month of August 2011 attached to the back of the Agenda.

3.2 Public Question Time

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the website for anyone wanting to submit a written question. He referred to clause 6.7 of the Standing orders Local Law 'procedures for question time' and stated that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.3 Audio Recording of Council meeting

The Mayor reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "*A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member*" and stated that as Presiding Member he gave permission for the Administration to record proceedings of the Council meeting.

3.4 Withdrawal of Items 10.3.1 and 10.3.2

The Mayor reported to the meeting that Item 10.3.1 (*conversion of carport 3 Hovia Terrace, South Perth*) and Item 10.3.2 (*Mixed Development 4 Downey Drive, Manning*) had been withdrawn from the Agenda at the request of the respective applicants.

4. ATTENDANCE

Mayor J Best (Chair)

Councillors:

V Lawrance	Civic Ward
I Hasleby	Civic Ward
P Best	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
P Howat	McDougall Ward
Cr C Cala	McDougall Ward
B Skinner	Mill Point Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Finance and Information Services
Ms V Lummer	Director Development and Community Services
Ms D Gray	Manager Financial Services
Ms P Arevalo	City Communications Officer
M G Hickson	Marketing Officer
Ms G Nieuwendyk	Corporate Support Officer
Mrs K Russell	Minute Secretary

Gallery Twelve members of the public and 1 member of the press.

4.1 Apologies

Cr R Grayden Mill Point Ward

4.2 Approved Leave of Absence

Cr G Cridland Como Beach Ward

5. DECLARATION OF INTEREST

The Mayor reported having received a Declaration of Interest from the CEO in relation to Agenda Item 15.1.1. He further stated that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* that the Declaration would be read out immediately before the Item in question were discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 23 August 2011 the following question was taken on notice:

6.1.1 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

Re City of South Perth vs Geoff Defrenne 27765/2010 - What was the amount of legal fees paid by the City in the attempted prosecution of case?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 29 August 2011, a summary of which is as follows:

It was not an attempted prosecution - the City did begin prosecution proceedings against Mr Defrenne for "obstructing Local Government" but voluntarily entered into an agreement which resulted in Mr Defrenne absenting himself from Council premises for a period of 6 months. The cost of the action was **\$13,764.88**.

6.2 PUBLIC QUESTION TIME : 27.9.2011

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. He said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. The Mayor then opened Public Question Time at 7.08pm.

Note: *Written Questions submitted prior to the meeting were provided (in full) in a powerpoint presentation for the benefit of the public gallery.*

6.2.1 Ms Pearl Roberts, Hurlingham Road, South Perth

(Written Questions submitted prior to the meeting)

Note: As Ms Roberts was not present at the Meeting the Mayor stated that the question submitted in relation to the BBQ on the foreshore east of Hurlingham Road would be dealt with as correspondence by the Administration.

6.2.2 Mr Barrie Drake, 2 Scenic Crescent, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

1. Re Agenda Item 10.3.1 "Unapproved Conversion of a Carport to Garage at No. 3 Hovia Terrace, South Perth. Why is the City threatening to prosecute the owners of No. 3 Hovia Terrace for breaching the Town Planning Scheme when the owners of the building at No. 11 Heppingstone Street breached the requirements of the Town Planning Scheme?
2. In reply to my question last month about No. 11 Heppingstone Street. Why did you provide a false and misleading answer to that question?

Summary of Response

The Mayor stated that....

1. The City has already spent considerable time negotiating with the owner of No.3 Hovia Terrace to achieve a mutually acceptable outcome. As this has not been possible, and the impact of the streetscape and amenity of the locality is considered unacceptable, the City must consider prosecution. The details of the 11 Heppingstone Street matter is on record and will not be answered any further consistent with Council Resolution 14 of the Council Meeting on 26 May 2009.
2. It was a hypothetical question.

6.2.3 Mr Geoff Defrenne, 24 Kennard Street, Kensington

(Written Questions submitted prior to the meeting)

Summary of Question

Re City of South Perth - Vs Geoff Defrenne 27765/2010

1. I was charged with breaching S9.12 (a) of the Local Government Act 1995 - Why did the Council drop that charge?
2. What written law was I subsequently charged with?
3. In response to my question last month regarding the two emails from Kay Russell, the City's response is as follows: *As far as we are aware, the City has provided all documents to the Court as requested, and there are no outstanding requests for documentation to be provided.* - When did the City provide the two emails from Kay Russell to Geoff Defrenne to the Court, and to Geoff Defrenne in response to the summons to provide documents?
4. Do these emails exist in the City's records?
5. On 24 August 2011 I emailed questions to the City. It is now over a month since sending the correspondence. When will I receive a response to my query? Who is accountable for this apparent breach of the customer charter?

Summary of Response

The Mayor stated that....

1. The answer to this question is recorded in the Minutes of the Meeting of Council held on 23 August 2011 which states: ***...the City did begin prosecution proceedings against Mr Defrenne for "obstructing Local Government" but voluntarily entered into an agreement which resulted in Mr Defrenne absenting himself from Council premises for a period of 6 months.***
2. No charges have been laid after the agreement expired.
3. All documents required by the City's solicitors were provided as requested.
4. Yes.
5. The CEO elected not to respond as the contents of the questions had been dealt with verbally on the previous night at the August 2011 Council Meeting.

Cr Hasleby point of clarification - Is the cost of the prosecution proceedings to the City of South Perth in the order of \$14,000? The Mayor replied, this is correct. He further stated that there were other serious matters this Council is focussed on where this funding could be used. After 10 years Mr Defrenne has gained nothing other than wasting Council time and money.

6.2.4 Mr Geoff Defrenne, 24 Kennard Street, Kensington

(Written Questions 'tabled' at the commencement of the meeting)

Summary of Question

For the benefit of the public gallery the CEO summarised the four questions 'tabled' by Mr Defrenne.

At last weeks briefing session, several Councillors asked in respect to Item 10.3.2 (*proposed development in Downey Drive, Manning*) about rights of appeal to the SAT. The CEO, Mayor and Director Development and Community Services gave various answers eg Applicant could appeal to the SAT and the Council would no longer be in control of the process. Neither the CEO, Mayor or Director advised the Council that the time for appeal to the SAT had expired because the Council has deemed to refuse the application on day 90 after the application was made in April.

1. Has the CEO breached s.5.41(a) of the *Local Government Act 1995* by not advising the Council of the written law ie cl.7.11 of the Town Planning Scheme?
2. Has the CEO breached s.5.41(b) of the *Local Government Act 1995* by not advising the Council of advice and information available so that an informed decision could be made in respect to Item 10.3.2?
3. Has Mayor Best breached the Council's Code of Conduct by providing incorrect information to Council in respect of an Appeal to the SAT?
4. Has the Director Development and Community Services breached the Council's Code of Conduct by providing incorrect information to Council in respect of an Appeal to the SAT?

Summary of Response

The Chief Executive Officer stated that his response to the four questions is clearly, no. He said that even though there may be a clause in the Legislation that says there is 28 days to appeal we know that the Courts do not operate that way. The applicant could appeal to the SAT outside of that time or if Council failed to make a decision.

Summary of Question

For the benefit of the public gallery the CEO summarised the questions on dogs and bees 'tabled' by Mr Defrenne.

1. Please advise on the following, on an annual basis:
 - the number of dogs impounded each year
 - the cost of rangers etc in relation to dogs
 - the cost of running the pound
 - revenue received from impounded dogs
 - number of complaints received about barking dogs
 - number of complaints about dogs on public property
 - number of complaints about dogs on private property
2. Please advise on the following, on an annual basis the:
 - number of complaints about bees on public property?
 - number of complaints about swarms?
 - number of complaints about bees on private property?
 - cost of rangers etc in relation to bees?
 - number of other complaints?

Summary of Response

The Chief Executive Officer stated these questions will not be answered at Public Question Time. He said Mr Defrenne has previously asked all of these questions and has been advised that the Administration does not have the time or resources to research and respond to these matters. If Mr Defrenne submits a Freedom of Information (FOI) request and pays the fee then the research on the matters will be done.

6.2.5 Mr Lindsay Jamieson, 14 Tralee Way, Waterford

(Written Questions 'tabled' at the commencement of the meeting)

Summary of Question

For the benefit of the public gallery the Mayor summarised the questions 'tabled' by Mr Jamieson.

1. In the courts of Western Australia the principle used, unless specifically removed by law in certain circumstances, is that a person is assumed innocent until proven guilty beyond reasonable doubt. Do the City of South Perth and Council also support that principle when issues involving law come before the CoSP or Council? If not then please provide details to justify the CoSP and Council position.
2. Do the CoSP and Council accept and agree that each and every instance where the principle of innocent until proven guilty is not followed is a breach of that person's rights as an Australian and Western Australian citizen? If not then please provide details to justify the CoSP and Council position.

Summary of Response

The Mayor responded that, given this relates to the 2007 Inquiry into the City of South Perth I draw your attention to Item 14.1 of the June 2011 Council Meeting which states:

That Council determines that, in accordance with Standing Orders Local Law Clause 6.7 (7) (a) that any questions of Council; and in accordance with Standing Order Local Law Clause 6.9 (2)(b) requests for deputation associated with the 2007 Report of the Inquiry into the City of South Perth shall not be responded to until such time as an Officers Report or Notice of Motion is tabled for consideration at a future Ordinary Council Meeting.

Summary of Question

For the benefit of the public gallery the Mayor summarised the questions 'tabled' by Mr Jamieson.

Regarding matters arising from the alleged failure by all Council Member participants in a Motion to Council in March 2007 to declare a financial interest. The CEO has asserted to myself, the City and Council that the Department of Local Government is preventing the City of South Perth from dealing with my claim for legal expenses submitted in November 2007. The Department is not preventing the CoSP from dealing with my claim for legal expenses - it is the CEO that is preventing the claim from coming to Council.

Since the Department is not preventing the CoSP from dealing with my claim for legal expenses, will the CEO submit my claim for legal expenses under Policy P519 to Council for determination?

Summary of Response

The Mayor responded that, given this relates to the 2007 Inquiry into the City of South Perth I draw your attention to Item 14.1 of the June 2011 Council Meeting which states:

That Council determines that, in accordance with Standing Orders Local Law Clause 6.7 (7) (a) that any questions of Council; and in accordance with Standing Order Local Law Clause 6.9 (2)(b) requests for deputation associated with the 2007 Report of the Inquiry into the City of South Perth shall not be responded to until such time as an Officers Report or Notice of Motion is tabled for consideration at a future Ordinary Council Meeting.

Close of Public Question Time

There being no further written questions the Mayor closed Public Question Time at 7.20pm

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23.8.2011

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Ordinary Council Meeting held 23 August 2011 be taken as read and confirmed as a true and correct record.

CARRIED (11/0)

7.1.2 CEO Evaluation Committee Meetings Held: 31.8.2011 and 13.9.2011

COUNCIL DECISION ITEM 7.1.2

Moved Cr Trent, Sec Cr Hasleby

That the Minutes of the CEO Evaluation Committee Meetings Held 31.8.2011 and 13.9.2011 be received.

CARRIED (11/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Agenda Briefing - August Ordinary Council Meeting Held: 16.8.2011

Officers of the City presented background information and answered questions on items identified from the August Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Forum - Underground Power Salter Point and South Perth Railway Station Business Plan Workshop - Meeting Held: 30.8.2011

Officers of the City provided an update on the Underground Power Project for Salter Point and responded to questions. In response to the Council Resolution of 23 August 2001 the CEO 'workshopped' the South Perth Railway Station Business with Elected Members in order to agree on the area of community consultation. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Forum - Family and Children's Services Study and Swimming Pool Survey - Meeting Held: 6.9.2011

Consultants, Key Research Personnel provided an overview of the Family and Children's Services Study and feedback relating to the proposed Swimming Pool Survey. Members raised questions and points of clarification which were responded to by officers.

Notes from the Concept Briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Forum - Local Housing Strategy - Meeting Held: 13.9.2011

The Special Projects Senior Planner provided an update on the progress made in formulating the *draft* Local Housing Strategy. Members raised questions and points of clarification which were responded to by officers.

Notes from the Concept Briefing are included as **Attachment 7.2.4**.

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4

Moved Cr Trent, Sec Cr Best

That the comments and attached Notes under Items 7.2.1 to 7.2.4 on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (11/0)

8. PRESENTATIONS

8.1 PETITIONS - A formal process where members of the community present a written request to the Council

8.1.1 Petition received 19 September 2011 from Sharron Hawkins zeeb, Downey Drive, Manning together with approximately 250 signatures, in relation to the proposed redevelopment by the Department of Housing of No. 4 Downey Drive, Manning.

Text of petition reads: "We, the undersigned object to the redevelopment of No. 4 Downey Drive, Manning in the manner proposed by the Department of Housing and ask for your intervention to ensure that the property is subdivided and sold to private buyers consistent with the approach taken in relation to the disposal of other properties by the Department in Manning, or developed and immediately sold to private buyers."

RECOMMENDATION

That the petition, received on 19 September 2011 from Sharron Hawkins Zeeb, Downey Drive, Manning together with approximately 250 signatures, in relation to the proposed redevelopment by the Department of Housing of No. 4 Downey Drive, Manning, be taken into consideration as part of the Council decision at Item 10.3.2 of the September 2011 Council Agenda.

The Mayor read aloud the text of the Petition.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Trent, Sec Cr Burrows

That the petition, received on 19 September 2011 from Sharron Hawkins Zeeb, Downey Drive, Manning together with approximately 250 signatures, in relation to the proposed redevelopment by the Department of Housing of No. 4 Downey Drive, Manning, be received.

CARRIED (11/0)

8.2 PRESENTATIONS - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.

8.2.1 Western Australian Rangers Association Presentation to City of South Perth

The Mayor presented a Certificate of Recognition together with a commemorative clock to the City's Ranger Team from the Western Australian Rangers Association on their Performance in providing 'Excellence in Service to the Community'.

Senior Ranger, Dene Lawrence accepted the award on behalf of the Team.

8.3 DEPUTATIONS - A formal process where members of the community may, **with prior permission**, address the Council on Agenda items where they have a **direct** interest in the Agenda item.

8.3.1 Deputations at Council Agenda Briefing Held: 20.9.2011

Two Deputations in relation to Agenda Item 10.3.2 were heard at the September Council Agenda Briefing held on 20 September 2011.

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegate: WALGA - AGM : 6 August 2011

A report from Mayor Best, Cr Trent and the CEO summarising their attendance at the WALGA Annual General Meeting held 6 August 2011 at the Perth Convention Exhibition Centre is at **Attachment 8.4.1**.

RECOMMENDATION

That the Delegate's Reports at **Attachment 8.4.1** in relation to the WALGA Annual General Meeting Held 6 August 2011 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Lawrance, Sec Cr Doherty

That the Delegate's Reports at **Attachment 8.4.1** in relation to the WALGA Annual General Meeting Held 6 August 2011 be received.

CARRIED (11/0)

8.4.2. Council Delegate: Rivers Regional Council Ordinary General Meeting: 18 August 2011

A report from Crs Cala and Ozsdolay summarising their attendance at the Rivers Regional Council Ordinary General Meeting held 18 August 2011 at the City of Armadale is at **Attachment 8.4.2**.

The Minutes of the Rivers Regional Council Ordinary General Meeting of 18 August 2011 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.4.2**, in relation to the Rivers Regional Council Ordinary General Meeting held 18 August 2011 at the City of Armadale be received.

COUNCIL DECISION ITEM 8.4.2

Moved Cr Cala, Sec Cr Burrows

That the Delegate's Report at **Attachment 8.4.2**, in relation to the Rivers Regional Council Ordinary General Meeting held 18 August 2011 at the City of Armadale be received.

CARRIED (11/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 20 September 2011.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items withdrawn:

- Item 10.6.4 - withdrawn for discussion
- Items 10.3.1 and 10.3.2 withdrawn at applicants' request.

Note: Item 10.3.1 (*conversion of carport to garage 3 Hovia Terrace*), request from applicant to withdraw item received Monday 26 September 2011. The report item was not removed from the Agenda paper as the final Agenda had already been circulated.

Item 10.3.2 (*Mixed Development 4 Downey Drive, Manning*) request from applicant to withdraw item received 21 September 2011 the day after the Agenda Briefing. The report item was removed from the Agenda paper prior to circulation of the final Agenda.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Hasleby, Sec Cr Ozsdolay

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.1.1, 10.2.1, 10.2.2, 10.3.3, 10.6.1, 10.6.2, 10.6.3, 10.6.5, 10.6.6, 10.6.7 and 10.6.8 be carried en bloc.

CARRIED (11/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Public Places and City Property Local Law 2011 (Item 10.7.1(A) referred June 2011 Council Meeting)

Location:	City of South Perth
Applicant:	Council
File Ref:	LE/120
Date:	9 September 2011
Author:	Gina Nieuwendyk, Corporate Support Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration

Summary

This report provides an overview of the Public Places and City Property Local Law 2011 which has recently been the subject of statutory public consultation. The Public Places and City Property Local Law 2011 deals with land that is under the City's care, control and management, including parks, road reserves, laneways, rights of way, libraries, golf courses, recreation centres and clubrooms. The Public Places and City Property Local Law 2011 will replace eight existing local laws making the implementation and administration of the new local law more user friendly and efficient.

Background

The Public Places and City Property Local Law 2011 is primarily based on a number of model local laws developed by the Western Australian Local Government Association, modified to specifically suit the City's requirements. It will replace eight local laws, simplifying the administration of a number of issues that the City deals with, make application of the local law easier, and reduce the compliance burden on affected persons. Enforcement is anticipated to be easier with less onerous options to be made available to the City, including notices to comply and modified penalties as opposed to simply prosecution.

There are eight local laws proposed for repealing, some of which are now irrelevant and conflict with recent legislative changes:

- Alfresco Dining (2003)
- Golf Courses (Royal Perth and Collier Park, adopted in 1998 and 1997 respectively)
- Hawkers (1991)
- Public Property (1998)
- Street Lawns And Gardens (1996)
- Streets And Footways (1958)
- Special Events (2005)

The Public Places and City Property Local Law 2011 was the subject of a Council Briefing on 1 December 2010 and was then submitted to the Audit and Governance Committee on 8 February 2011 and to Council for consideration on 22 February 2011, where it was resolved that a Councillor Workshop was required to further review the draft local law.

A further Councillor Workshop was held 12 April 2011 where the draft local law was reviewed and modified to better reflect the City's requirements. It was then submitted to the Audit and Governance Committee on 11 May 2011 and to Council for consideration on 28 June 2011. At the June meeting Council resolved to give state-wide public notice it proposes to make a Public Places and City Property Local Law.

Comment

The Public Places and City Property Local Law 2011 is shown at **Attachment 10.0.1**. It should be noted that while they do not form part of the proposed local law, relevant extracts from Acts and Regulations have been included as notes and text boxes in the body of the draft local law to assist with gaining a full understanding.

In accordance with the June 2011 Council resolution, the City gave state-wide public notice of the proposed Local Law inviting public submissions by 4.00pm Monday 15 August 2011. Notices were also placed on the City's website and the City's public notice boards.

Submissions

There were no submissions received during the public consultation period

Since advertising the Public Places and City Property Local Law 2011 for public comment, the City has received advice that a minor amendment is required to the law. The City's Local Law is based on parts of the WALGA Model 'Public Places and Local Government Property Local Law, and the City of Stirling 'Local Government Property Local Law 2009. On 10 June 2010, the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation requested the City of Stirling to delete a clause in its local law relating to advertising on umbrellas or temporary shade structures. It is understood that the Committee may have been concerned as to how this clause might be applied.

The City's draft Local Law contained a similar provision in clause 3.2(3)(c)(vi), which should also be deleted. The intention was to prevent local government property being used for primarily advertising products, as opposed to being incidental to providing shade for users. This has not been an issue for the City but has occurred in other locations during major sporting events. While deletion of this clause may make dealing with problems more difficult, the City really has no choice but to delete the clause. Any transgressions could be dealt with under other parts of the local law or the Local Planning Scheme provisions if considered necessary.

Section 3.12 (4) of the *Local Government Act 1995* provides that after considering public submissions in relation to a local law, a local government may resolve by absolute majority to make the local law. It is then to be published in the *Government Gazette* and will become law 14 days after gazettal.

A copy is also to be sent to the Minister for Local Government, local public notice to be given of its final adoption, and a copy of the local law with an Explanatory Memoranda sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation. The Standing Committee acts as a body reviewing delegated legislation such as local laws on behalf of the State Parliament. If it believes a local law or regulation is contrary to the good government of the State or if it believes there are other flaws, it may recommend disallowance to the Parliament. While this is possible, in practice any concerns are usually discussed with the local government or regulating body first, and disallowance used only as a last resort if agreement is unable to be reached

Consultation

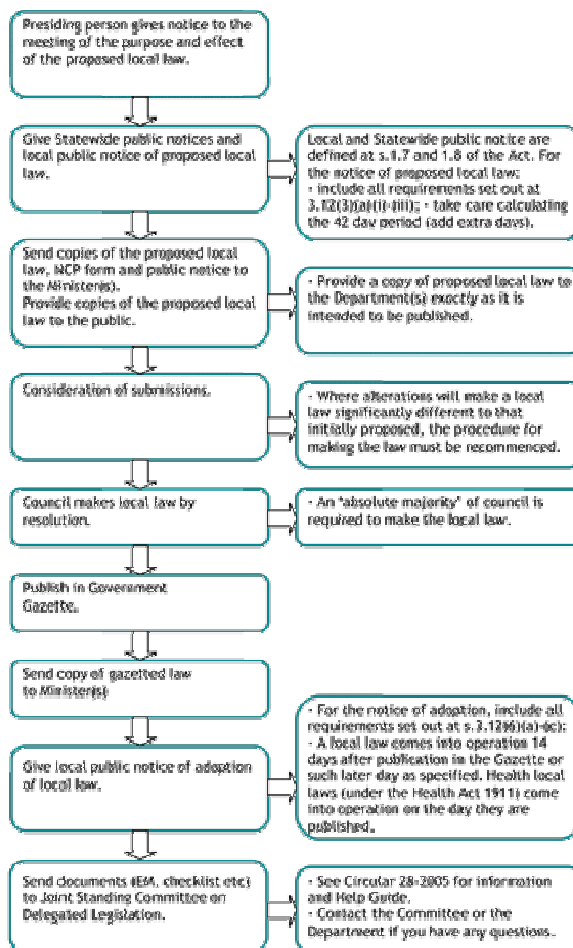
The City undertook state-wide public consultation in accordance with Section 3.12(3) of the *Local Government Act 1995*. Public Notice of the proposed Local Law was in the Western Australian newspaper on 30 June 2011, the Southern Gazette newspaper on 5 July 2011 and 12 July 2011 respectively inviting public submissions by 4.00pm Monday 15 August 2011. Notices were also placed on the City's website and the City's public notice boards.

There were no submissions received during the public consultation period

Policy and Legislative Implications

The process required to be used when adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995* and is summarised in the flow chart below:

Local Law Process – Flow Chart



Financial Implications

There will be some minor administrative expenses involved in the initial implementation of the proposed new local law.

Strategic Implications

The proposal is consistent with Strategic Goal 6: Governance “Ensure that the City’s governance enables it to respond to the community’s vision and deliver its service promises in a sustainable manner”.

Sustainability Implications

This report is aligned to the City’s sustainability strategy and policies.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.1**

That

- (a) the Council in accordance with s3.12(4) of the *Local Government Act 1995*, the Public Places and City Property Local Law 2011 be adopted, subject to:
 - (i) Deletion of text boxes and notes in the version to be officially Gazetted; and
 - (ii) Various other amendments as 'marked up' on **Attachment 10.0.1**.
- (b) in accordance with s3.12(5) of the *Local Government Act 1995*, the Public Places and City Property Local Law 2011 be published in the *Government Gazette* and a copy sent to the Minister for Local Government;
- (c) after Gazetted, in accordance with s3.12(6) of the *Local Government Act 1995*, local public notice be given:
 - (i) stating the title of the local law;
 - (ii) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (iii) advising that copies of the local law may be inspected or obtained from the City office.
- (d) following Gazetted, in accordance with the *Local Laws Explanatory Memoranda Directions* as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.0.2 Parking Local Law 2011 (*Item 10.7.1(B) referred June 2011 Council Meeting*)

Location:	City of South Perth
Applicant:	Council
File Ref:	LE/120
Date:	9 September 2011
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report considers the Parking Local Law 2011 which has recently been the subject of statutory public consultation. The objective of the Parking Local Law 2011 is to regulate and administer parking within the City and the operation and management of parking facilities under the City's care, control and management. The Parking Local Law 2011 will replace the existing Parking Local Law 2003 and will make the administration of parking arrangements and regulations more user friendly and efficient.

Background

The City's Parking Local Law has been the subject of review as part of the process to review and update the entire City's Local Laws. The Parking Local Law 2011 is based on the Western Australian Local Government Association (WALGA) model local law and modified where appropriate to suit the City's requirements.

The WALGA model more closely follows the requirements of the State Road Traffic Code and is easier to make future amendments to should there be changes in the Road Traffic Code. Using the WALGA model will also standardise terminology used by most other local governments such as 'verge' and 'nature strip' and their use with other local laws also proposed, in particular the proposed Public Places and City Property Local Law 2011.

The following parking related issues were considered in detail at a number of internal workshops and the Council Briefing Session held 12 April 2011:

- Dealing with parking on verges without the consent of the adjoining owner or occupier;
- Dealing with types of large or commercial vehicles parking in residential areas;
- Dealing with alternate methods of payment, such as credit card or mobile phone payments;
- Ensuring the City's Special Events parking provisions are reflected in the new local law;
- The ability to use painted lines on roads instead of a proliferation of signs and poles;
- Ensuring that the local law reflects the latest provisions of the *Road Traffic Code*;
- Having a minimum penalty prescribed where a driver might elect for a court hearing instead of payment of a modified penalty;
- Reviewing the amounts set down as modified penalties.

The Parking Local Law 2011 was subsequently considered at the Audit and Governance Committee held 11 May 2011 and at the 28 June 2011 Council Meeting where it was resolved to give statewide and local public notice stating that Council was proposing to make the Parking Local Law 2011, inviting public submissions.

Comment

The Parking Local Law 2011 is shown at **Attachment 10.0.2**. It should be noted that while they do not form part of the proposed local law, relevant extracts from Acts and Regulations have been included as notes and text boxes in the body of the draft local law to assist with gaining a full understanding.

In accordance with the June 2011 Council resolution, the City gave state-wide public notice of the intention to make the proposed Parking Local Law 2011 inviting public submissions by 15 August 2011. Notices were also placed on the City's website and the City's public notice boards.

There were no submissions received from the public during the public consultation period.

The WA Department of Local Government did make some suggestions in relation to drafting standards, sub-clause numbering, and the like which were referred to the City's solicitors for comment. Most of the suggested changes are seen as straightforward, relate to drafting styles or presentation and are not considered problematic or major. In some cases however, it is considered that the requested amendments are incorrect or should not be agreed to.

A summary is below:

Comment	Response
<p>Part headings should be bold, centralised and not in block print.</p> <p>Schedule headings should be bold, centralised and not in block print.</p> <p>Inside the Schedule itself, the title should be followed by the relevant clause on the next line.</p>	<p>Amended</p> <p>Amended</p> <p>Amended</p>
<p>It is suggested that the City replace all instances of "Gazette" with "Government Gazette" in italics.</p> <p>The City should also replace the word "amended" with "as amended and published".</p>	<p>Amended</p> <p>The additional words are unnecessary – see sections 16(1) and 33 of the <i>Interpretation Act 1984</i>. A reference to a written law is to that law as amended, and similarly a repeal of a written law includes the repeal of amendments</p>
<p>Defined terms should be bold, italicised and not include quotation marks.</p> <p>E.g. authorised person means...</p>	<p>Amended</p>
<p>The Delegated Legislation Committee has recently voiced concerns at the use of the word "City" in local laws, rather than the "local government". The Committee's current position is that "local government" is the correct terminology to be used, since that is the term used in the <i>Local Government Act 1995</i>.</p> <p>As a result, it is recommended that the City remove the definition for City and insert the following definition:</p> <p>local government means the City of South Perth;</p> <p>All other instances of the word "City" in the local law should then be replaced with the words "local government".</p>	<p>Amended</p> <p>Amended</p>
<p>To avoid any conflict with the <i>Caravan Parks and Camping Grounds Act 1995</i>, the definition for caravan should be replaced with:</p> <p>caravan has the meaning given in the <i>Caravan Parks and Camping Grounds Act 1995</i>;</p>	<p>Amended</p>
<p>Since the term unattended is used several times in the local law, it is suggested that a definition be inserted in clause 1.4. This would allow the local government to delete repeated clauses such as 5.2(2) and 7.6(2).</p>	<p>Amended</p>
<p>It is noted that the City's local law contains multiple text boxes referring to other legislation. These text boxes appear in the WALGA model as a visual aid for local governments seeking to use the model local law. These text boxes are not intended to appear in the actual local law when published.</p> <p>The Delegated Legislation Committee has expressed concerns about the consequences of including text boxes in local laws. These concerns have been set out in item 4 of the JSCDL 23rd Report.</p>	<p>Text boxes are placed simply to assist with understanding the local law and will be removed from the official version to be published in the Government Gazette. This is reflected in the recommendation to Council below.</p>

Comment	Response
<p>Clause 2.1 – metered zones</p> <p>The Delegated Legislation Committee has shown a history of disapproving of the use of determination devices in local laws. This is because determinations do not involve parliamentary scrutiny and can change the way in which local laws apply.</p> <p>The Committee has previously raised concerns regarding parking laws. The Committee’s current position is that any determination made regarding a parking district must be accompanied by appropriate signage.</p> <p>The Committee has set out their concerns in point 7 of the JSCDL 23rd report.</p> <p>As clause 2.1 is currently worded, signage appears to be optional and not compulsory. As long as this is the case, it is very likely that the Committee will request an undertaking to correct the local law.</p> <p>It is suggest that the City reword Clause 2.1 as follows:</p> <p>2.1 Determination of metered zones</p> <p>(1) The local government may by resolution constitute, determine and vary metered bays and metered zones.</p> <p>(2) In respect of metered bays and metered zones the local government may by resolution determine –</p> <p>(a) permitted times and conditions of parking depending on and varying with the locality;</p> <p>(b) classes of vehicles which are permitted to park;</p> <p>(c) the amount payable for parking; and</p> <p>(d) the manner of parking.</p> <p>(3) Where the local government makes a determination under subclauses (1) and (2), it shall erect signs to give effect to the determination</p>	<p>The Department’s line of reasoning appears incorrect.</p> <p>Use of the word ‘may’ in clause 2.1 clearly relates to the establishment of metered zones, not whether or not the City will or will not erect signs to indicate it.</p> <p>It is noted that in item 7 of the JSCDL 23rd report, the Committee stated: ‘Where, for example, parking zones are also required to be clearly linked with signs, the Committee has been less inclined to query the validity of a local law.’</p> <p>The clause should stay as is.</p> <p>The suggestion from the Department includes a further addition of the words ‘by resolution’. This would mean that this is a power that can only be exercised by the Council itself.</p> <p>From time to time for reasons of safety and expediency it is necessary for a Council to delegate authority to its CEO to amend the areas to which parking restrictions might apply.</p> <p>Section 5.42 of the Act allows a Council to delegate any of its functions to its CEO. The matters that cannot be delegated are listed in s5.43. This is not a matter listed.</p> <p>The clause should stay as is.</p>
<p>Clause 3.1 - this clause has similar issues to clause 2.1 It is suggested that the City make the following amendments to the clause</p> <ul style="list-style-type: none"> · Insert the words “by resolution” after the words “The City may” · Insert the following subclause: <p>(2) Where the local government makes a determination under subclauses (1) and (2), it shall erect signs to give effect to the determination</p>	<p>See above. No changes are required.</p>

Comment	Response
<p>Clause 4.3 – Event Parking The Delegated Legislation Committee has recently found issue with similar clauses in the parking laws of other local governments. In these cases, the Committee has requested an undertaking that clear limits be placed on the events that may be declared under these kinds of clauses.</p> <p>It is suggested that the City insert amend clause 4.3 to be more consistent with the City's proposed Public Places and City Property Local Law, which also deals with special days and locations.</p>	<p>Clause 4.3 does not deal with 'special events' or days. Clause 4.4 deals with the general no parking zone around the Australia Day fireworks display, and is clear in its intent.</p> <p>This clause does not need amendment.</p>
<p>Clause 4.4 – General No Parking Zone It is suggested that subclause (3) should be deleted, since it is an overly complicated repetition of subclause (4). It is also suggested that subclause (5) should be deleted, since the offence set in subclause (4) is already clearly defined. A suggested rewording of clause 4.4 has been set out below, which assumes that a suitable definition is included in clause 1.5.</p> <p>4.4 General no parking zone</p> <p>(1) In this clause, general no parking zone means the area contained within the Wards of Civic and Mill Point in the City of South Perth, bounded by and including South Terrace to the south, Canning Highway to the east and the Swan River foreshore to the west and north.</p> <p>(2) Where a general no parking zone is established under this local law, the local government must erect a sign at entry points to the general no parking zone indicating-</p> <p>(a) the area that is a general no parking zone; and</p> <p>(b) the dates and times during which the area is a general no parking zone.</p> <p>(3) A driver must not park a vehicle on the road or a nature strip in the general no parking zone between the hours of-</p> <p>(a) 6:00 a.m. on 26 January; and</p> <p>(b) 6:00 p.m. on 27 January.</p>	<p>Amended</p> <p>Amended</p> <p>It is not entirely clear what the difference is between what the draft local law proposes and what the Department is proposing here, and no need to add a definition of 'general no parking zone' in clause 1.5 as it is clearly set out in clause 4.4</p> <p>In any event the suggested amendments have been made.</p>

Comment	Response
<p>Clause 9.3- form of notices It has been noted that clause 9.3 refers to the forms located in Schedule 2. This differs from the City of (South) Perth's proposed Public Places and City Property Local Law 2011, which refers to the forms located in the Regulations.</p> <p>As a result, the two local laws will result in two sets of forms being used. If this was not the City's intent, then one of the local laws should be corrected accordingly.</p>	<p>While it would be preferable to have the same sets of forms used for both the Parking Local Law and the Public Places and Local Government Property Local Law 2011, the major difference between the 2 sets of forms is that those in the Parking Local Law contain 2 infringement notice forms, the second of which gives a person the option of either paying the modified penalty or satisfying the City that someone else was driving the vehicle at the relevant time. There is no similar form included in Schedule 1 of the <i>Local Government (Function and General) Regulations 1996</i>.</p> <p>No amendment is required.</p>

The City's solicitors have reviewed the above comments and responses and agree with the outcomes suggested. They have also suggested a further minor amendment to clause 4.8(3) to clarify the meaning of markings on carriageways.

Those where amendment is recommended are shown 'marked up' on **Attachment 10.0.2** to allow them to be readily identified.

Section 3.12 (4) of the *Local Government Act 1995* provides that after considering public submissions in relation to a local law, a local government may resolve by absolute majority to make the local law. It is then to be published in the *Government Gazette* and will become law 14 days after gazettal.

A copy is also to be sent to the Minister for Local Government, local public notice to be given of its final adoption, and a copy of the local law with an Explanatory Memoranda sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation. The Standing Committee acts as a body reviewing delegated legislation such as local laws on behalf of the State Parliament. If it believes a local law or regulation is contrary to the good government of the State or if it believes there are other flaws, it may recommend disallowance to the Parliament. While this is possible, in practice any concerns are usually discussed with the local government or regulating body first, and disallowance used only as a last resort if agreement is unable to be reached

Consultation

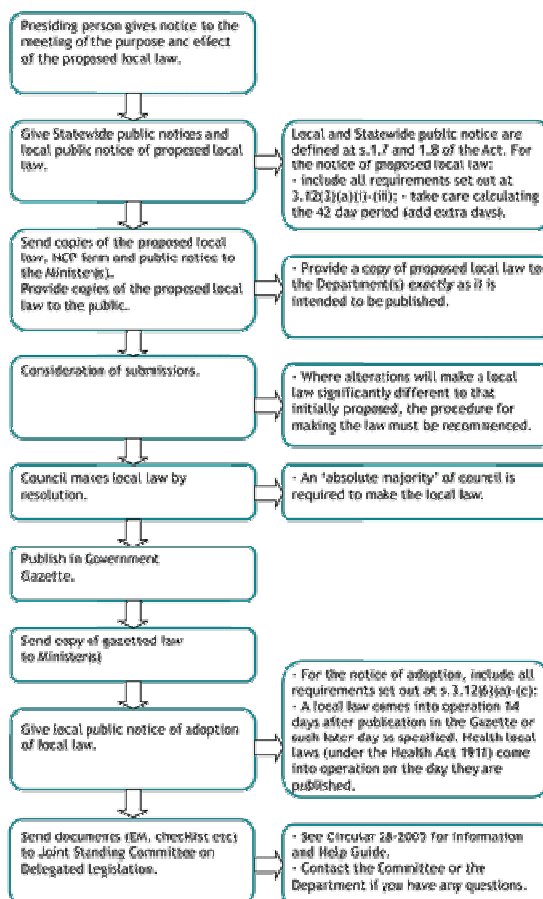
The City undertook state-wide public consultation in accordance with Section 3.12(3) of the *Local Government Act 1995*. Advertisements were placed in the Western Australian newspaper on 30 June 2011 and the Southern Gazette newspaper on 5 July 2011 and 12 July 2011 respectively inviting public submissions by 4.00pm Monday 15 August 2011. Notices were also placed on the City's website and the City's public notice boards.

In accordance with the June 2011 Council resolution, the City gave state-wide public notice in the Western Australian on 30 June 2011 and via the Southern Gazette on 5 July 2011 and 12 July 2011

Policy and Legislative Implications

The process required to be used when adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995* and is summarised in the flow chart:

Local Law Process – Flow Chart



Financial Implications

There will be some minor administrative expenses involved in the initial implementation of the proposed new local law.

Strategic Implications

The proposal is consistent with Strategic Goal 6: Governance “*Ensure that the City’s governance enables it to respond to the community’s vision and deliver its service promises in a sustainable manner.*”

Sustainability Implications

This report is aligned to the City’s sustainability strategy and policies.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.2**

That the Council....

- (a) in accordance with section 3.12(4) of the *Local Government Act 1995*, the Parking Local Law 2011 be adopted, subject to:
 - (i) Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
 - (ii) Various other amendments as 'marked up' on **Attachment 10.0.2**;
- (b) in accordance with s3.12(5) of the *Local Government Act 1995*, the local law be published in the *Government Gazette* and a copy sent to the Minister for Local Government;
- (c) after Gazetted, in accordance with s3.12(6) of the *Local Government Act 1995*, local public notice be given:
 - (i) stating the title of the local law;
 - (ii) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (iii) advising that copies of the local law may be inspected or obtained from the City office.
- (d) following Gazetted, in accordance with the *Local Laws Explanatory Memoranda Directions* as issued by the Minister on 12 November 2010, a copy of the Parking Local Law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED EN BLOC RESOLUTION
And By Required absolute Majority

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Family and Children Services Study

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	8 September 2011
Author:	Danielle Cattalini, Grants and Consultation Officer
Reporting Officer:	Sandra Watson - Manager Community Culture and Recreation

Summary

The purpose of this report is to advise Council of the findings and recommendations of the recently completed Family and Children's Services Study.

Background

The City of South Perth has identified the area of families and children as a priority and this target group was listed in the Corporate Plan as a key focus in the 2010/2011 year. Consultants, Key Research were commissioned to undertake a comprehensive research study regarding the gaps, as well as the current and future provision of children's services and facilities catering to children aged 0-12 years in the City of South Perth. The study is aligned with the City's strategic objective to develop, prioritise and review services and delivery models to meet changing community needs. Following the Research Study undertaken the findings were the subject of a report presented by the Consultants Key Research to an Elected Member Concept Forum held on 6 September 2011.

Comment

The City of South Perth has experienced a population growth between 2006 and 2010 in particular, resulting in a notable increase in the 0-5 year old population demographic. According to the State Government, the following are the figures for the number of babies born in the City of South Perth illustrating the upwards trend:

2007	502
2008	434
2009	568
2010	614

The trend in the City of South Perth represents an increase of 22% and mirrors that of the state as a whole as in 2010, the number of children in Western Australia aged four and under soared to 154,211 - an increase of 22% since 2000. During the past decade the number of babies born in WA has increased by 24%.

Focusing on the City of South Perth, such a large increase in birth numbers places pressure on existing resources and the need for new, improvements or expansion of existing facilities and services. Officers have been monitoring the changes in the community as a result of the birth numbers for the past 12-18 months and given that the current available census data is from 2006 and the City has not undertaken any major research focusing on families and children for some time, it was felt that a study was crucial. It was also important that the study focused on gaps in service provision and importantly identify future needs and trends in order to allow the City to work with stakeholders and partners to ensure that the needs of the City of South Perth community are addressed and met, as much as possible, in the future.

Anecdotally, officers and stakeholders were aware of a lack of child care places, including after school care in the City of South Perth. This coupled with the initiative of the Department of Education entitled 'Universal Access', which involves kindergartens being constructed on all primary school sites by 2013, has had an impact on many of the community kindergartens located in the City of South Perth. The City and the Department of Health have also been acutely aware for some time of the issues associated with accessing child health nurses and this has been further exacerbated by the increase in birth numbers in the City.

All this background illustrates the challenges that local government and other service providers and facilitators will need to take into consideration when planning future service and provision of family and children services. The City of South Perth has identified present challenges which may increase at a disproportionate rate with such large future growth data for Western Australia. Accordingly, the objectives of the Family and Children's Services Study were as follows:

- Investigate the provision of current services, facilities and programmes in the City of South Perth and determine how they could be improved;
- Ascertain support for new services and programmes and how they should be introduced;
- Determine priorities for improvement and implementation; and
- Explore the specific needs of the Aboriginal and Torres Strait Islander group (identified as being more likely to be at risk or vulnerable in childhood development, and therefore disadvantaged).

Research Method

The City of South Perth Family and Children Services Study consisted of a mixed methodological approach involving firstly, a series of in-depth discussion groups to qualify and explore the areas of interest, and secondly, a comprehensive random telephone survey across the community to quantify the key research findings. Feedback was obtained from parents and carers of children aged 0-12 years living in the City of South Perth to determine their levels of satisfaction with the children's services/programmes provided in the City of South Perth.

Participants in the discussion groups were recruited via letters and information about the study being distributed to schools, kindergartens, playgroups and other relevant stakeholders in the City of South Perth. The members of the discussion groups were also paid a small fee as an incentive to attend. The discussion groups were run as an open forum with participants being given the opportunity to raise and discuss all issues of concern to them. Following on from the discussion groups, the questionnaire, at **Attachment 10.1.1**, was developed around the issues and concerns raised in the discussion groups, along with specific questions that officers were seeking responses to.

Questions focused on overall satisfaction and dissatisfaction with the provision of children's services and facilities in the City, suggested improvements to services and facilities and proposed funding methods, perceived barriers to improvements, a question seeking suggestions for facility upgrades to the George Burnett Leisure Centre and where residents are currently accessing facilities and programs that are not available in the City of South Perth.

The study consisted of the following components:

- Four Discussion groups: Convened in the George Burnett Leisure Centre and the Manning Hall on Thursday 5 May 2011; and
- 376 telephone interviews: Interviewing took place between 13 June - 11 July 2011-(the results of the telephone survey-were statistically valid)

The following steps were taken to ensure objectivity, validity and reliability of the telephone survey:

- The questionnaire was designed by executives from Key Research in partnership with the City of South Perth;
- Respondents were selected using a random telephone number generation service;
- All telephone interviews were conducted by trained and experienced Key Research interviewers; and
- The research results were processed electronically and analysed by executives from Key Research.

Results

The study revealed that the priority areas for attention for the City of South Perth are:

- Kindergartens
- Child health
- Child care
- Before and after school care

The specific themes or concerns for each of the priority areas for attention include:

- Kindergartens and pre-schools - Increase services
- Child health - Increase provision of child health services and improve accessibility
- Child care - Increase services and availability
- Before and after school care - Increase availability and convenience of location

For parents with children aged 4 or under, child care, before and after school care and the availability of kindergartens and pre-schools were much more important than those who do not have children under the age of 5 years. This represents a significant life-cycle stage interpretation which influences the perception of provision of these and other services and facilities. Put simply, as children grow and move through life-cycle stages, this influences the levels of demand and perception of provision of services and facilities from a parents or carers point of view.

The specific themes or concerns for each of the priority areas for attention include:

- The longer respondents have resided in the City of South Perth and the older the children of respondents, the less satisfied respondents were with children's services and facilities;
- There are generally high levels of satisfaction with provision of services and facilities. The highest levels of satisfaction were with libraries, parks and reserves, and playgrounds. The lowest levels of satisfaction were with child care and before and after school care;
- Just over one-half of respondents were satisfied overall with the provision of children's services and facilities in the City of South Perth;
- Almost one-third of the respondents were neither satisfied nor dissatisfied with the provision of children's services and facilities, which represents a significant proportion for which services and facilities are not meeting their needs. The main reason for dissatisfaction with the provision of children's services and facilities was the lack of provision in general, and in particular of child care facilities;

Importantly, seven of every ten respondents felt that the funding for any increase in the provision of services and facilities in the City of South Perth should be a combination of both rates and user funding. This is significant in that it illustrates that residents could be receptive to new and improved services and facilities being funded via an increase in rates and also a 'user pay' system, where the person using the facility or service pays the actual cost or close to the actual cost of providing that service or facility.

- A significant number of respondents travel out of the City of South Perth area to access facilities for children, although the majority of these services were generally aquatic centre based or other sports or physical activity;
- There was a very high level of support for the redevelopment of the George Burnett Leisure Centre. The addition of a swimming pool/aquatic centre was the most popular service or facility suggested as an improvement. Children's activities and programmes were also mentioned by a significant number of respondents as an additional service for the redevelopment of the George Burnett Leisure Centre.

It is important to clarify that this question was an open question in that no examples of possible future additions to the George Burnett Leisure Centre were provided to the respondents. In addition, while it is acknowledged that the expansion/addition of the sports courts and gym facilities at the George Burnett Leisure Centre is a corporate priority, there are no funds provided in the current forward five year financial plan.

There was also a very high degree of support for each of the proposed developments:
(In order of highest level of support):

- Development of natural play spaces in City of South Perth parks
(86% either support or strongly support)
- Development of community gardens/food gardens in selected areas in the City
(71% either support or strongly support)
- A dedicated playgroup facility in the City of South Perth
(67% either support or strongly support)

Over two-thirds of respondents (67%) strongly supported the development of natural play spaces in City of South Perth parks which matched or almost matched the total level of support for both of the other proposed developments, that is, the development of community gardens/food gardens in selected areas in the City and a dedicated playgroup facility in the City of South Perth.

Cultural and Linguistically Diverse Populations

- Whether English is the primary or second language there were similar levels of importance across each of the services and facilities measured in this study;
- Those for whom English is a second language were much more likely than those for whom English is not a second language to be satisfied with the overall provision of children's services and facilities;
- Aboriginal respondents were in general less satisfied with the overall provision of children's services and facilities than other ethnic groups. In particular, access/travelling to the Civic Centre for child health care was considered difficult for Aboriginal respondents;
- Respondents who were coded as 'Other ethnic group(s)' were much more likely than any other ethnic group to state that the aspects child care, before and after school care, playgroups, toy libraries, kindergartens and pre-schools were not important to them. There is significant polarisation in the results for this group across each of these aspects of services and facilities, that is, while there was a high proportion of respondents stating 'not at all important' there were also high proportions stating 'extremely important'. Respondents who were coded as 'Other ethnic group(s)' were likely to perceive each of the other aspects measured as equally as important as Australian European respondents.
- Of the 25 respondents who stated that someone in their household had a 'Fly in – fly out' job, 9 identified with an ethnic group other than Australian European.

Proposed Course of Action

Following analysis by officers of the study findings, listed below are the suggested actions and critical areas that the City should focus on in the short to medium term. It is important to note that as the City of South Perth is not a service provider in this area, but rather a service facilitator, the recommendations listed below are mainly focused on working with and partnering with the relevant service providers to ensure that the needs and expectations of the community are met as much as possible:

- Continue to partner and work with children's health providers, such as the Department of Health, to lobby and ensure that child health facilities and services are meeting the community's needs within the City of South Perth, including the provision of child health nurses and clinics;
- Encourage reputable service providers of childcare, including after-school care to establish centres within the City of South Perth;
- Maintain effective lines of communication and relationships between stakeholders and community organisations such as the Gowrie, Ngala, Southcare, Moorditj Keila and others in the City of South Perth;
- Continue to support and nurture the growth and development of the Early Years Working Group; and
- Ensure that with the construction, upgrade or redevelopment of community facilities such as Manning Hub and the George Burnett Leisure Centre, future needs of children and families are taken into consideration including extensive consultation with the relevant stakeholders and service providers.

Work has already begun in order to address some of the issues in the community related to the provision of services and facilities for families and children. The Early Years Working Group was established in October 2010 and it continues to grow and has now extended to running special events, including an event for playgroups. Amendments have been made to the Town Planning Scheme to facilitate child care providers establishing businesses in the City of South Perth and in addition, the recent sale of the former Como Kindergarten and Child Health Clinic to a well known child care provider was a great result for the local community in terms of providing much needed child care spaces in the future.

Consultation

This report outlines the results of a research study that was conducted in the City and as such, consultation occurred with the community via the study method which consisted of two elements. Firstly, a number of focus groups were conducted where members were recruited from stakeholder groups working in the areas of children and families such as schools and playgroups. The second part of the study consisted of a random telephone survey across the City, where respondents who met the criteria of being parents or carers of children under the age of 12 years were asked a series of qualitative questions about the provision of family and children's services in the City of South Perth.

Policy and Legislative Implications

Consistent with the now expired 'Connected Community Plan' where the development of two Community Hubs has progressed. Whilst there is no policy at this stage, a policy may be developed at a future time.

Financial Implications

This study was a budgeted project in the 2010/11 financial year.

Strategic Implications

This report is complementary to Strategic Directions:

1. *Community - Create opportunities for a safe, active and connected community; and 1.1 Develop, prioritise and review services and delivery models to meet changing community needs and priorities.*

In addition, the relevant reference in the Corporate Plan 2011-2012 is as follows:

- 1.1.3 *Undertake a family and children's needs study/assessment.*

Sustainability Implications

The Family and Children's Services Study has looked at the provision of services and facilities in the City of South Perth for families and children now and in the future. The age of many of the city owned facilities or them no longer being fit for purpose has been highlighted by respondents in the study and in that regard, the development of new facilities to address community needs will be required to incorporate environmentally friendly and sustainable fittings and fixtures, as well as being able to cater to future growth in the community and changing trends.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1
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That the 'Proposed Course of Action' as identified in Report Item 10.1.1 of the September 2011 Council Agenda be implemented.

CARRIED EN BLOC RESOLUTION

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Local Government Declaration on Climate Change
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	8 September 2011
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to seek Council's 'in-principle' support to sign up to a Local Government Climate Change Declaration.

Background

WALGA has invited all Local Governments to sign up to a Local Government Climate Change Declaration. A copy of the Declaration is at **Attachment 10.2.1**.

The Declaration is consistent with the intent of WALGA's endorsed Climate Change Policy Statement, and was endorsed at the August 2011 meeting of State Council.

Comment

This Declaration will stand as a voluntary opportunity for Councils to demonstrate their political commitment to locally appropriate climate change management, and to participate in a sector wide leadership approach.

WALGA encourages all Local Governments to become signatories to the Declaration, which will also support the Association's policy and advocacy work on this issue, including the development of a funded sector-wide program to assist Local Governments to respond to climate change risks and impacts.

Council endorsed the City's Climate Change Adaptation Report in March 2011 which included an assessment and identification of the City's risks and vulnerability in regard to potential and actual climate change impacts.

At the April 2011 Council meeting, endorsement was given to the City's Climate Strategy 2010-2015, which provides the overarching framework for future efforts relating to climate change. This Strategy is themed for action in the areas of mitigation (reduction of greenhouse gas emissions), leadership (building capacity in the community and building partnerships with other agencies), and adaptation (developing a climate change adaptation plan).

The City has demonstrated its commitment to an appropriate and suitable response to the potential and actual impacts of climate change by endorsing these documents, and therefore, is seen as a local government authority 'ahead of the game'. The Declaration ensures that other local government authorities share that commitment.

In particular, the City made its inaugural commitment to a greenhouse gas emissions target as a participant in the ICLEI Cities for Climate Protection Program, in 2001. The recently endorsed Climate Change Strategy 2010-2015 informs a target of 4% reduction per year to 2015, from 2007-2008. The Cities for Climate Protection Program set the scene for the City's activities in regard to the mitigation (reduction) of emissions, of which the newly endorsed Climate Change Strategy 2010-2015 will continue and build on previous efforts.

Most of the achievements to date have been integrated across the organisation and are now part of normal City business. These have included:

- Improved emissions and fuel efficiencies of the vehicle fleet
- The implementation of a Fleet Purchasing Vehicle Policy
- Development of an Ecologically Sustainable Development (ESD) Building Design Policy (for Civic buildings)
- Development of a residential sustainable design policy (P350.1)
- Reporting on energy and water consumption, as well as waste and greenhouse gas emission generation, through the Planet Footprint program.
- Subscribed to Carbon Neutral™ to offset the vehicle fleet emissions
- Undertaken a Civic building (Civic & Operations Centres) audit in 2009
- Civic building asset refurbishments undertaken to ESD principles
- Conducted various Community information sessions on energy efficiency
- Undertaken household (200) energy audits in 2007/2008
- Participated in the Switch Your Thinking! Campaigns 2008 - 2010
- Reuse waste products such as mulch composted from tree prunings
- Staff volunteer tree planting at New Norcia for National Tree Planting Day over the last few years
- Pilot Council for the State's TravelSmart Program

The Western Australian Local Government Declaration on Climate Change supports the commitments the City has already made in its efforts to date, and demonstrates the inclusive and participative principles of a sustainable community.

Consultation

Consultation was undertaken in bringing the City's Climate Change Strategy, and Adaptation to Climate Change to Council earlier this year. Councillor briefings were held, to demonstrate the content and context of those documents. No external community consultation was undertaken.

Policy and Legislative Implications

The policies directly impacted and related, to adaptation to climate change are listed below. It should be noted that it is likely that other policies may apply as the City works toward achieving its commitments in this area.

- Sustainability Policy P320
- Energy conservation P302
- Groundwater Management P303
- Ecologically Sustainable Building Design P321
- Sustainable Design P350.1

Financial Implications

Budgetary requirements for the activities of the City's Climate Change Strategy and Adaptation Report are listed in those respective documents.

Strategic Implications

The report aligns to Direction 2 "Environment" in the City's Strategic Plan: *Nurture and develop natural spaces and reduce impacts on the environment.* City of South Perth Climate Change Strategy 2010 - 2015

Sustainability Implications

By definition, the City's participation in the Local Government Climate Change Declaration, demonstrates the principles and commitment to sustainability.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1
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That....

- (a) Council agrees to become a signatory to the Climate Change Declaration; and
- (b) the CEO advise WALGA of the City's support for the Climate Change Declaration.

CARRIED EN BLOC RESOLUTION

10.2.2 State Undergrounding of Powerlines Program - Salter Point Project

Location:	City of South Perth
Applicant:	Council
File Ref:	ET/302
Date:	12 September 2011
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

As co-partner to the State Undergrounding of Power Lines Program (SUPP) Salter Point project, the Council has previously determined that payment for any project under the program shall be a direct charge raised against the property owners obtaining the direct benefit of the underground power.

This report provides the basis for determining the service charge to be adopted by Council for the Round 5 SUPP project at Salter Point.

Background

The City has been involved with the SUPP since its inception in 1996. Following the successful completion of the Round 3 Como East project, in excess of 50% of the local government area is now serviced with underground power. For the purpose of the Round 5 SUPP application the remaining areas with an overhead supply were subdivided into seven underground power areas to accord with the requirement to meet an underground power area servicing 500 to 800 lots only as prescribed by the Office of Energy.

To date, the City has participated in the SUPP with successful projects in:

- Como West defined as the area bounded by South Terrace, Kwinana Freeway (Melville Parade) and Canning Highway;
- Mill Point plus Mill Point extension defined as the area bounded by South Terrace, Canning Highway, Lawler Street, Mill Point Road and Kwinana Freeway (Melville Parade); and
- Como East defined as the area bounded by Canning Highway, Kwinana Freeway, Manning Road, Goss Avenue, Murray Street and Thelma Street.

The above projects have largely been, with a small contribution to street lighting from Main Roads WA for Canning Highway, self funded from a service charge set against the nominated classes of dwellings and commercial properties with resultant costs directed to the property owner. The City also contributed to the above UGP projects, both financially and in-kind.

Of the seven project areas put forward by the City for funding in Round 5 of the SUPP only Salter Point progressed beyond the first stage of the assessment. A total of 89 projects were initially received by the Office of Energy but only 18 projects having satisfied the first stage assessment were put forward for consideration during the second stage of the assessment. The technical criteria developed by an independent panel commissioned by the Office of Energy for the first stage assessment included such matters as:

- Reliability in power supply;
- The capacity of the existing network to service redevelopment where increased residential densities are permitted; and
- The condition of the Western Power infrastructure.

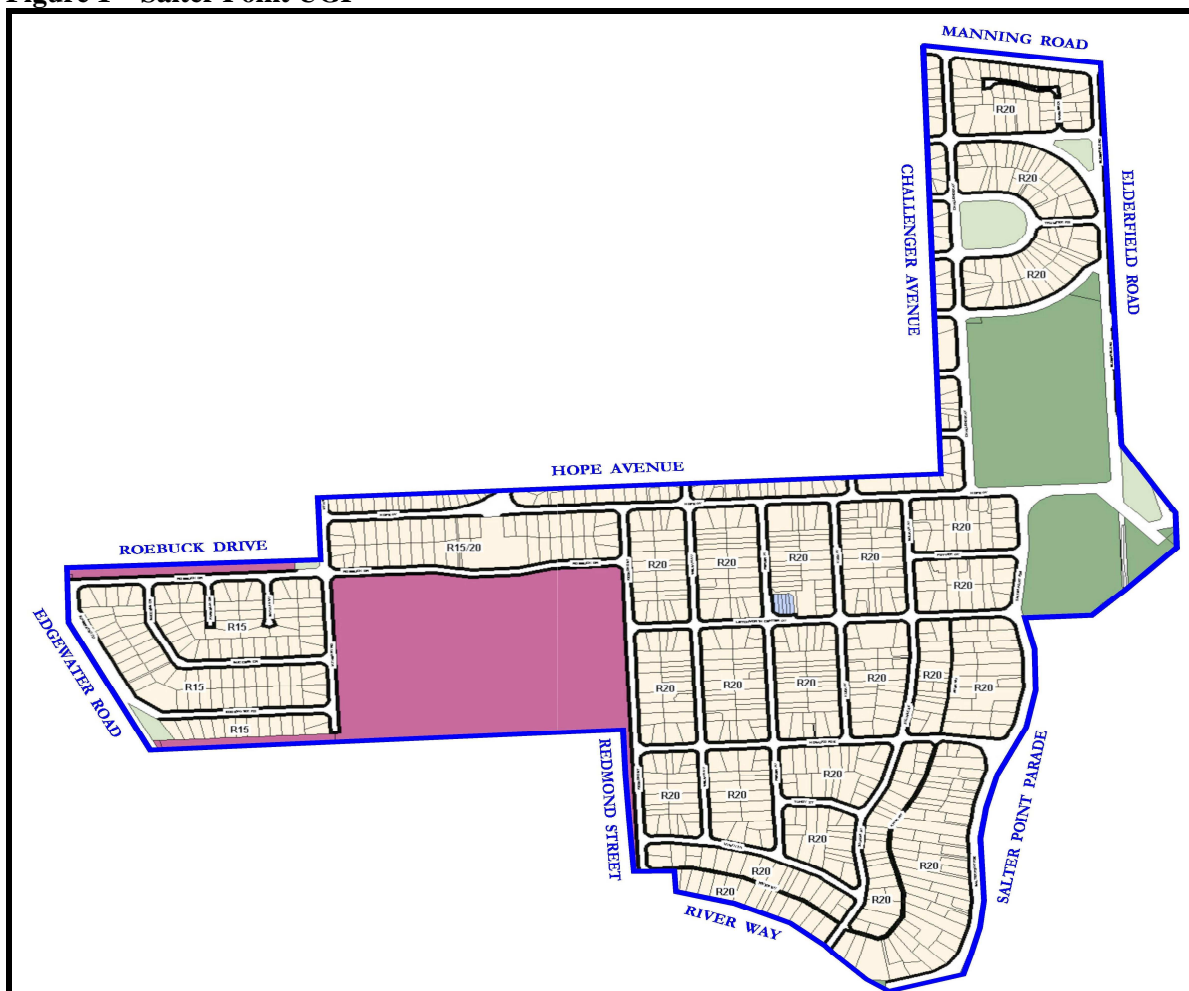
The second stage assessment was intended to define the ten most worthy projects based on an Independent Community Survey of the 18 areas short-listed after the Stage 1 assessment. The survey comprised a "prepaid return" mail out to every property owner within the respective areas. A total of 955 property owners were surveyed. The returned surveys were reviewed by the assessment team and projects were generally finalised by the level of community support expressed in the returns. Salter Point received a 61% response rate with over 86% of the responders agreeing to pay for the undergrounding of power. Across all projects the response rate was 53%, with 70% level of acceptance. The response to the Salter Point survey was one of the highest received in all of the surveys undertaken since the start of the program.

With such high community support the SUPP project team identified Salter Point to be one of the first projects to commence early in the second half of 2011, with design works commencing as early as March 2011. **Mid October 2011** has been tentatively set as the date for the mobilisation of plant and equipment, with the project expected to be completed within a 12 month timeframe. Commencement is subject to the City formally agreeing to the project.

Comment

The Salter Point Underground Power Area (UGP) is defined as that area bounded by Manning Road, Challenger Avenue, Hope Avenue, Roebuck Drive, Edgewater Road, Redmond Street, River Way, Salter Point Parade and Elderfield Road. For ease, Figure 1 below shows the extent of the Salter Point UGP.

Figure 1 – Salter Point UGP



The Survey document distributed to all property owners indicated that the cost of installing underground power would cost property owners on average \$4,300 for a typical single residential property. Various iterations were required to divide the original Manning / Salter Point UGP area into two separate and equivalent sized areas before settling on the above. This process was repeated for all of the remaining overhead supply areas to arrive at the consolidated Submission for the Seven UGP areas. However through the process for Manning / Salter Point certain properties included in one variation were not removed from the final as defined UGP area and thereby overstating in the Submission the number of contributing properties.

The consequence of the above was to understate the average cost anticipated to be charged for a typical single residential property. On average \$4,300 was anticipated as the charge and 86% of the respondents accepted the project on that basis with 36% electing to pay up front with the balance on an instalment plan. To recover the cost of installing underground power a service charge will be set for every property owner within the UGP area. The Service Charge was anticipated to be on average \$4,300 for the typical single residential property and to comprise the following:

- Network Charge - the total anticipated cost to underground the overhead supply network including upgrade as necessary to meet future loads plus purpose designed street lighting divided equitably amongst property owners. For practical purposes every dwelling within the area has been assigned one of three levels of power needed so that the network charge against each property represents a proportion of the total power load for the whole of the area; and
- Connection Charge - the cost of connecting to the underground cable and any costs associated with supplying an underground service to the property. The connection charge is approximately 50% of the contract rate for a single residential property with overhead supply service from the overhead street network. The connection charge will reduce marginally depending upon the extent of the existing underground connection and the ability to reuse that hardware already in the ground. Irrespective of the extent of the underground connection and the number of contributors to the charge, a minimum charge will be applied for the jointing/splicing to the underground main.

For the purpose of determining a network charge, single residential properties have been grouped into three general groups with each group having an anticipated power demand. Some local governments have adopted a service charge using the property valuation as a base. Arguably the higher the property valuation, the larger the residential property and potentially the greater demand on the power network.

An indication of transformer capacity for the Salter Point UGP project has been obtained at 6,900 kva which equates to about 6.2 kw per consumer. For the Round 3 Como East project, the anticipated power demand for a single residential property was 4.5 kw and was a consideration in the setting of the service charge. The following groups have been suggested for the Salter Point UGP area. The anticipated power demand has been assigned in ascending order with the listed types:

- Residential Type 1 - typically a single storey, established residence, of modest dimensions with / without outdoor living areas, with average site coverage on a “standard” lot;
- Residential Type 2 - typically an above average sized residential property, often of two storeys, either of new construction or having undergone extensive redevelopment with maximum site coverage including out-door living/recreational areas on a “standard” lot; and
- Residential Type 3 - typically a multi storey property with maximum site coverage, extensive outdoor living and recreational areas on a “standard” lot.

Where a standard lot has been subdivided or several standard lots amalgamated and then subdivided to provide for single residential properties on minimum sized lots a further subdivision is suggested. By definition a Type 1A development would have similar characteristics to a Type 1 property but would generally be expected to have a lower power demand. Similarly, the above reasoning applies to the suggested Type 2A and Type 3A residential properties.

Table 1 below shows the suggested breakdown of the properties within the Salter Point UGP area for the purpose of calculating the network charge. Where land is vacant or building works area underway the characteristics of the future development have been set as comparable to the surrounding properties. At the time of commencement it is expected that fifty four properties will be either vacant or in the process of development.

Table 1 - Property Classification

Property Type	Number of Properties
Residential Type 1	243
Residential Type 1A	268
Residential Type 2	208
Residential Type 2A	176
Residential Type 3	56
Residential Type 3A	13
Department of Housing	40
Institutions (Education and Aged Care)	3
City Buildings / Reserves	13
Commercial	6
Water Corporation	3

The Office of Energy guidelines for submissions to the SUPP requires certain discounts to be applied to pensioners and to certain properties where infrastructure related to either the overhead or underground network must be retained/located within the road reserve.

For earlier projects, the City nominated a 50% discount for pensioners and a percentage discount for the following:

- all properties where the overhead high transmission lines are retained;
- properties where a transformer and/or switching cabinet is located on the front verge, with a lesser discount where the equipment is located on the side verge.

It should be noted that an Eligible Seniors or Seniors Card Holder discount has been applied to City rates and for the purpose of calculation the Seniors discount has been set at 50% of the Pensioner discount and applied to the eligible property owners within Salter Point. Understandably, the more being offered by way of discounts to some residents means the balance is being met disproportionately by others residents in the Salter Point UGP area. As the average Round 5 Service charge is nominated at approximately 25% more than the average service charge applied to the Round 3 SUPP at Como East, which in turn was over double the service charge of the original stages, retaining the former discount regime for pensioners and seniors will only exacerbate the charge being set against those property owners meeting the full service charge.

A closer review of the overhead network revealed a number of properties already having a below ground connection to an underground distribution system. It has been determined that a number of property owners along Salter Point Parade have paid Western Power to have the overhead network removed from in front of their properties and hence these property owners have an expectation that some consideration needs to be given to their specific circumstance.

In addition, as part of the subdivision of a small parcel of land off Henning Crescent at Elderfield Road (prior to 1990) the power supply, house, and street connections in Warner Court were all placed underground with the cost of such work being absorbed into the land price. Arguably some discount needs to be applied to those property owners who have already made some contribution to the Western Power infrastructure although either side of their properties the supply into the area is still overhead.

As a matter of principle, and as this is a community UGP project, every property owner within the Salter Point UGP area needs to contribute to the cost of undergrounding the powerlines. Including a discount for those property owners who have already contributed to the upgrade of Western Power infrastructure is considered reasonable. By way of an example, the City of Canning applied a 15% discount to a number of isolated subdivisions within the Riverton UGP area that already had a below ground supply system. Requiring some payment is justifiable as the isolated system is only as good as the above ground network surrounding and servicing the “subdivision”.

Table 2 below shows the total cost breakdown for the Round 5 SUPP at Salter Point.

**Table 2 - SUPP Budget
(Excluding GST and Powder Coated Street Light Poles)**

Summary of Activities	August 2011
SUPP Project Team	\$842,185
Design / DFIS	\$62,354
Close Out Fund	\$50,000
CoSP In kind costs	\$162,752
Materials	\$2,759,610
Contract Services	\$5,080,280
Cost without Contingencies	\$8,957,181
Contingencies	\$435,172
Total Budget Cost	\$9,392,352

50% of total project cost plus the cost of the powder coating to the poles (i.e. \$40,156) will be invoiced to the City in accordance with the agreed schedule of instalments.

The total project cost of the Round 5 SUPP at Salter Point is **\$9,392,352**, excluding the powder coating of street light poles. The SUPP is a shared funding arrangement between the State Government (through the Office of Energy and Western Power) and Local Government. The Cities share of the project cost being **\$4,736,332** will be funded by a service charge against property owners plus an allocation from the Annual Budget. The Cities total contribution noted at Table 4 is included in the total project cost shown at Table 2 above. Accordingly, the Cities share of the project cost is **\$4,736,332**, which comprises \$4,696,176 (half share of total project cost) plus \$40,156 (powder coating).

Table 3, shown at **Attachment 10.2.2** reflects the suggested Schedule of Charges based on the following:

- a maximum connection charge of \$500 for a property with aerial “feed” to the house fascia and meter box;
- a minimum connection charge of \$50 irrespective of the nature of the below ground connection;
- a pensioner discount (and registered Senior discount) of 30% and 15% respectively;
- a discount of 30% for properties where through an earlier arrangement with Western Power the powerlines in the street have been placed underground;
- a discount of up to 15% for properties where Western Power overhead high transmission lines have been retained or transformers and / or switch cabinets placed on the verge either in front of, adjacent to or opposite the affected property;
- the sum of discounts applicable to an individual property capped at 55%; and
- a City contribution of \$410,447 from a combination of Operational and Capital Allocation in the Annual Budget.

The City's contribution to the Round 5 SUPP project at Salter Point is shown below at Table 4:

Table 4 - City Contributions

Contribution	Amount (\$)
CoSP administration costs, including contingency ⁽¹⁾	\$170,890
Reserves and Public Buildings (contribution to network and connection)	\$103,286
Powder coated street-light poles	\$40,156
Street lighting	\$100,000
Total	\$414,332

- (1) These embrace all of the costs incurred by the City in participating in Project meetings, representing the City at regular Contractor / Client meetings, all administration including customer enquiries relating to the project, specific reinstatement and minor works requests, and public consultation.

In total, six financial models were analysed by the City and presented to Council at its briefing held on 30 August 2011. The resultant Schedule of Charges presented to Council for adoption is favoured for the following reasons:

1. The inequity in the connection charge has been minimised (based on experiences from the Como East Round 3 SUPP project);
2. The inequity in the network charge between the older and newer, much larger, properties has been reduced (based on experiences from the Como East Round 3 SUPP project);
3. The more offered by way of discounts to some residents means that the balance is met disproportionately by others residents in the Round 5 SUPP project at Salter Point. This imbalance has been minimised by applying a pensioner and seniors discount of 30% and 15% respectively;

Consultation

The undergrounding of powerlines in the Salter Point UGP area has been overwhelmingly supported by the responders to the survey, and along with the media interest has been the subject of a many phone calls and items of correspondence. With very few exceptions the phone calls have generally been in relation to the timing of the intended works.

A Council briefing was held on 30 August 2011. The City provided an overview of the Round 5 SUPP project at Salter Point and presented a number of funding models for consideration.

Policy and Legislative Implications

There are no policy or legislative implications in respect to the contents of the report.

Financial Implications

The total project cost of the Round 5 SUPP at Salter Point is **\$9,392,352** excluding powder coating of street light poles. The SUPP is a shared funding arrangement between the State Government (through the Office of Energy and Western Power) and Local Government. The Cities contribution of \$4,736,332 will be funded by a service charge against property owners plus an allocation from the Annual Budget.

Table 5 - Financial Summary

Total Project Cost	\$9.432 M
Less Western Power (SUPP) Contribution	(\$4.696 M)
Net Cost to City	\$4.736 M
Total Funding Required	\$4.736 M
Service Charge to be Raised	(\$4.322 M)
City Contribution	(\$0.414 M)
Balance	\$0

Property owners will have the opportunity to pay by quarterly instalments over a period of up to 3 years (Interest will be charged on the outstanding balance at each instalment date) and as such the City will be required in the short term to borrow funds for the implementation of the works. Interest will be charged on the outstanding balance under an approved payment instalment plan. An outstanding service charge on a property will be required to be paid in full prior to the property changing ownership.

Administration (or in-kind) costs embrace all the costs incurred by the City in participating in Project meetings, representing the City at Contractor / Client meetings, all administration including customer enquiries relating to the project, specific reinstatement and minor works requests and public consultation. Provision for the above has been made in the respective Operational Budgets of Financial Services and Engineering Infrastructure. The City will be reimbursed all administration, including contingency costs, made to the Round 5 SUPP project at Salter Point, being \$170,890. The Capital Expenditure Budget makes provision for works associated with the UGP project and in particular the Cities contribution to convert the aerial connections from City Parks and Buildings to underground, the powder coating of all galvanised light poles and lighting to the Hope Avenue shared path.

Strategic Implications

The Salter Point Undergrounding of Powerlines Project is consistent with the City's Strategic Plan 2010 - 2015 Strategic Direction 2 - Environment : *"Nurture and develop natural spaces and reduce impacts on the environment"* and embraced in the Corporate Plan 2011/2012 Strategic Initiative 2.2.2 - Implement Stage 5 of the State Underground Power Program Salter Point.

Sustainability Implications

The City supports the undergrounding of powerlines for the following reasons, all of which add to the long term sustainability of the local government area. The project will:

- deliver new power infrastructure sufficient to support the anticipated development allowable under the Town Planning Scheme;
- enhance security and street safety through an increased level of lighting using energy efficient compact fluoro lamps; and
- allow street trees to develop a more natural shape through the reduction in annual pruning.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.2
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That....

- (a) to facilitate the undergrounding of powerlines in the Salter Point Underground Power Area as a Round 5 Project, the estimate of costs as prepared by the SUPP Project Manager be accepted, with the signing of the Agreement between Co-Partners prepared by the Office of Energy;
- (b) as requested by the SUPP Project Manager formal advice of the approval in the form of a letter of intent be provided prior to the signing of the Agreement to facilitate the purchase of materials and minimise further delays on the project;
- (c) funding for the implementation of the undergrounding of powerlines be a service charge against all properties in the area, with an amount of \$414,332 to be contributed from City sources; and
- (d) the Service Charge Schedule at **Attachment 10.2.2**, comprising a network charge and a connection charge be adopted by the Council.

CARRIED EN BLOC RESOLUTION
Any By Required absolute Majority

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1. Unapproved Conversion of a Carport to Garage (Single House). Lot 51 (No. 3) Hovia Terrace, South Perth.
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Location: Lot 51 (No. 3) Hovia Terrace, South Perth
 Applicant: Tracey Chester
 Lodgement Date: 05 August 2011
 File Ref: 11.2011.334; HO4/3
 Date: 29 August 2011
 Author: Trinh Nguyen, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider a retrospective application for planning approval for the conversion of a carport, located within the front setback area of a Single House, to a garage on Lot 51 (No. 3) Hovia Terrace, South Perth. The Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Compatibility with the existing streetscape character	Council Policy P302 'General Design Guidelines for Residential Development'
Insufficient clearances from side walls on either side of the car parking bays	Clause 6.3 and Figure 7 Schedule 5 of Town Planning Scheme (TPS6)
Sight lines at vehicle access points: obstructions within the visual truncations adjacent to the formed driveway	Clause 6.2.6 of the R-Codes 2010; and Clause 5(a) of Council Policy P350.7 'Fencing and Retaining Walls'

The approved carport within the front setback area, by virtue of its open nature, was visually acceptable in the street. However, its conversion into a garage with solid walls around and a solid door fronting the street, while being located within the front setback area, is observed to detract from the existing streetscape character of Hovia Terrace. Therefore the officers recommend that the garage application be refused, and the owners be advised to re-instate the carport.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R 15
Lot area	515 sq. metres
Building height limit	7 metres

This report includes the following attachments:

- **Confidential Attachment 10.3.1(a)** Plans of the proposal.
- **Attachment 10.3.1(b)** Site photographs.

In accordance with Council Delegation DC342, the retrospective application is referred to a Council meeting because it falls within the following categories described in the Delegation:

1. The exercise of a discretionary power

- (b) Applications which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.

The location of the development site is shown in Figure 1 below:

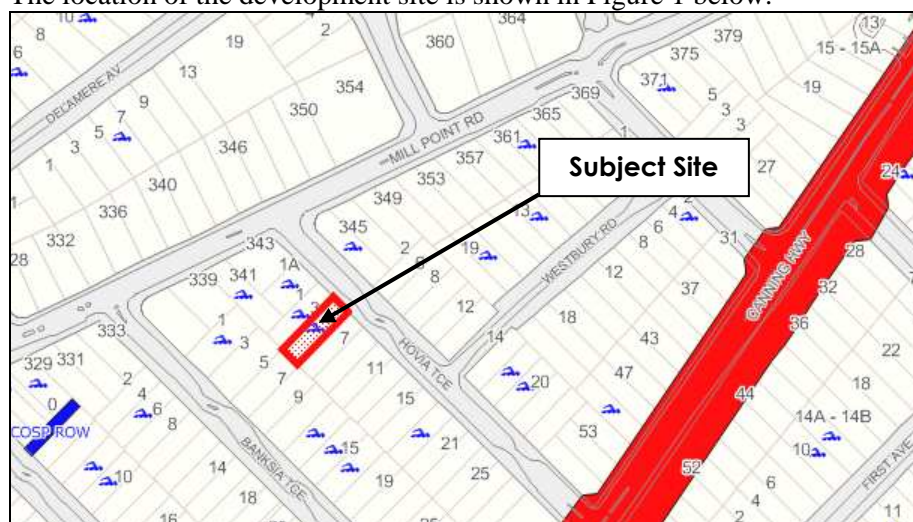


Figure 1: Subject Site, 3 Hovia Tce (2011)

Comments

(a) Background

In August 2010, the City received a letter, which did not identify the complainant’s address, expressing concerns about the conversion of a carport to a garage at the subject property. A review of the property records confirmed that there was no approval issued by the City to convert the carport to a garage.

A series of communication with the property owner resulted in the City receiving a retrospective application for the above described conversion. Following an assessment, the application was refused in November 2010 for the reasons of non-compliance with matters identified as elements requiring exercise of discretion under the summary section at the beginning of the report. Additionally, an important note advised the owner of the need to re-instate the carport as per the original approval to comply with the relevant TPS6 and Policy Provisions; or modify the structure to comply with the definition of a carport.

The City was informed that this action will be delayed as the owner had been unwell and in and out of the hospital. On compassionate grounds, the City responded by providing additional time to achieve compliance. In June 2011 City officers met with a representative of the owner, Mr Edwards, to discuss alterations to the garage that will assist with achieving compliance with the definition of a carport. The alterations required as discussed, include:

- (i) Lowering the solid walls of the garage, on its sides and rear, to a maximum height of 1.2m; and using visually permeable material such as wrought iron fencing above to provide the required security for the vehicles;
- (ii) Using a visually permeable door instead of the solid door; and
- (iii) Either truncating a 1.5 metre x 1.5 metre corner of the portion of fence on the right side of the formed driveway; or lowering this portion of solid fence to a height of no more than 0.75 metre and keeping visually permeable fence above.

Carrying out of the above works would have achieved compliance with the planning provisions and provided the level of security sought by the residents. In August 2011, the owner formally requested that the matter be reviewed by Council. The application does not propose any amendments to the previously refused structure.

(b) Existing Development on the Subject Site

The subject site features a 2-storey single house. A carport to the house was approved in September 2004 as part of a proposal for a single house on the site. The City was notified of the conversion of the approved carport to an unapproved garage in August 2010.

(c) Description of the Surrounding Locality

The subject development fronts Hovia Terrace. The focus area is bounded by Mill Point Road towards the north-west and Canning Highway to the south-east. The property is situated adjacent to residential development on both side boundaries, as seen in **Figure 2** below:



Figure 2: Subject Site, 3 Hovia Tce (2011)

(d) Description of planning issues

The following components of the retrospective development do not satisfy TPS6 and Council Policy requirements:

(i) **Compatibility with the existing streetscape character**

The following definitions from the R-Codes delineate the difference between a carport and a garage:

Carport is “*a roofed structure designed to accommodate one or more vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable*”; while

Garage is “*a roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling*”

The carport at No. 3 Hovia Terrace has been enclosed on all four sides, by rendered brickwork to the sides and rear, and a garage door to the front. In accordance with the definitions of the R-Codes, the structure is hence defined as a garage rather than a carport.

The garage structure with solid walls around and a solid door fronting the street, while being located within the front setback area, is observed to detract from the existing streetscape character of Hovia Terrace. Clause 8(c) of Policy 350.3 states that where an existing carport is setback less than 4.5 metres from the street, the City will not approve conversion of that carport to a garage unless it would comply with the R-Codes setback requirement for garages. The carport with an approved street setback of 1.5 metres was compliant with the policy provisions. However, the converted garage does not comply with the setback requirements prescribed by the acceptable development provision A3.5 of Clause 6.2.3 “Setback of garages and carports” of the R-Codes 2010.

(ii) **Dimensions of the Garage**

The enclosure of the carport has resulted in the reduction of the double car parking bay width of 5.6 metres to 5.55 metres. Officers observe this minor variation of 5cm or 50mm to the requirements prescribed by Clause 6.3 and Schedule 5 of TPS6, as capable of being approved. This view was taken into consideration while discussing modifications with Mr Edwards, the representative for the owner, as identified in the background section of the report.

(iii) **Sight lines at vehicle access points**

The solid 1.8 metre high fence along the right side of the formed driveway results in an obstruction within the 1.5 metre x 1.5 metre visual truncation on this side. This area is required to be kept clear for safety reasons in order for the reversing vehicle and pedestrians to view each other. Alternatively, as stated in Clause 5(a) of Council Policy P350.7 “Fencing and Retaining Walls”, which refers to clause 6.2.6 A6 “Sight lines at vehicle access points and street corners” of the R-Codes, the height of obstruction is restricted to a maximum of 0.75 metres within a 1.5 metre x 1.5 metre triangular corner truncation area adjacent to the intersection of the formed driveway and the boundary of the public street. As seen in Attachment 10.3.1 (b), the fence does not meet this requirement.

(5) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following matter is particularly relevant to the current application and requires careful consideration:

- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

The officers observe that conversion of the carport to a garage does not demonstrate compliance with the above matter.

(6) Other Matters to be Considered by Council: Clause 7.5 of Town Planning Scheme No. 6

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration.

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (f) any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance; and*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

The officers observe that conversion of the carport to a garage does not demonstrate compliance with the above matters.

Consultation

Neighbour consultation

The proposed conversion to garage did not require consultation in accordance with Policy P355.

Policy and Legislative Implications

Comments in relation to various relevant provisions of Town Planning Scheme No. 6, the R-Codes and Council policies have been provided elsewhere in this report.

Strategic Implications

This matter relates to Strategic Direction 6 “Housing and Land Uses” identified within Council’s Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

Due to the location of the garage with the front setback area, the structure is observed to have a detrimental impact on the immediate residential amenity and the existing streetscape character. Therefore, the proposal is seen to be unsustainable.

Conclusion

It is considered that the garage within the front setback area with a 1.5 metre setback from the street alignment does not meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it has the potential to have a detrimental impact on the immediate residential amenity and the existing streetscape character. Based upon the current situation, officers recommend that the application be refused. At the same time, officers have advised the owner of the required modifications to the structure to bring it into compliance with the planning requirements. These modifications have been recommended as important notes.

OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this retrospective application for planning approval for the conversion of a carport to a garage on Lot 51 (No. 3) Hovia Terrace **be refused** for the following reasons:

(a) Specific Reasons

- (i) The location of the garage within the front setback area with a 1.5 metre setback from the street alignment conflicts with Clause 8(c) of Policy 350.3 “Car Parking Access, Siting, and Design” and Clause 6.2.3 “Setback of garages and carports” of the R-Codes 2010.
- (ii) The solid 1.8 metre high fence along the right side of the formed driveway results in an obstruction within the 1.5 metre x 1.5 metre visual truncation on this side, hence conflicts with Clause 5(a) of Policy P350.7 “Fencing and Retaining Walls” and Clause 6.2.6 “Sight lines at vehicle access points and street corners” of the R-Codes 2010.
- (iii) Having regard to the reasons (i) and (ii) identified above, the development conflicts with subclause f under Clause 1.6.2 “Scheme Objectives” of TPS6.
- (iv) Having regard to the reasons (i) and (ii) identified above, the development conflicts with subclauses a, c, f, i, j and n listed under Clause 7.5 “Matters to be Considered by Council” of TPS6.

(b) Important Notes

- (i) The applicant / owner are advised that the converted garage structure is brought into compliance with the previously approved carport structure within 35 days from the date of issue of this planning refusal. Otherwise, the City will commence necessary prosecution actions.
- (ii) In the alternative, if the applicant / owner intend to carry out modifications to the garage, as previously discussed with the officers, they should confirm in writing to the City, their intention to commence works on site within 28 days from the date of issue of this planning refusal. Prior to commencing works on site, two complete sets of drawings showing the proposed modifications are to be submitted to the City incorporating the following:
 - (A) Lowering the solid walls of the garage, on its sides and rear, to a maximum height of 1.2m; and using visually permeable material above such as wrought iron fencing to provide the required security for the vehicles;
 - (B) Using a visually permeable door instead of the solid door; and
 - (C) Either truncating a 1.5 metre x 1.5 metre corner of the portion of fence on the right side of the formed driveway; or lowering this portion of solid fence to a height of no more than 0.75 metre and providing visually permeable fence above.You are also advised to liaise with the City's Building Services with regards to the need for obtaining a building licence to commencing any work of a structural nature.
- (iii) If you are aggrieved by aspects of the decision where discretion has been exercised, you may investigate the ability to lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.

COUNCIL DECISION ITEM 10.3.1

Note: At the written request of the applicant, received 26 September 2007, this application is withdrawn from consideration at the September Council Meeting to allow the applicant more time to prepare a Deputation.

10.3.2 Proposed Mixed Development (6 Multiple Dwellings & Office) in a 3-Storey Building, Lot 407 (No. 4) Downey Drive, Manning.

COUNCIL DECISION ITEM 10.3.2

Note: At the request of the applicant, (Department of Housing), due to the community concerns expressed during Deputations at the Agenda Briefing held 20 September 2011 this application has been withdrawn from the Agenda to allow for further discussions with the Council and the community.

10.3.3 Proposed Amendment No. 31 to Town Planning Scheme No. 6: Rezoning of Lot 36 (No. 47) Tate Street, South Perth to a split zoning of Residential and Local Commercial with R40 density coding over the whole site

Location: Lot 36 (No. 47) Tate Street, South Perth.
 Applicant: City of South Perth
 File Ref: LP/209/31
 Date: 1 September 2011
 Author: Emmet Blackwell, Strategic Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

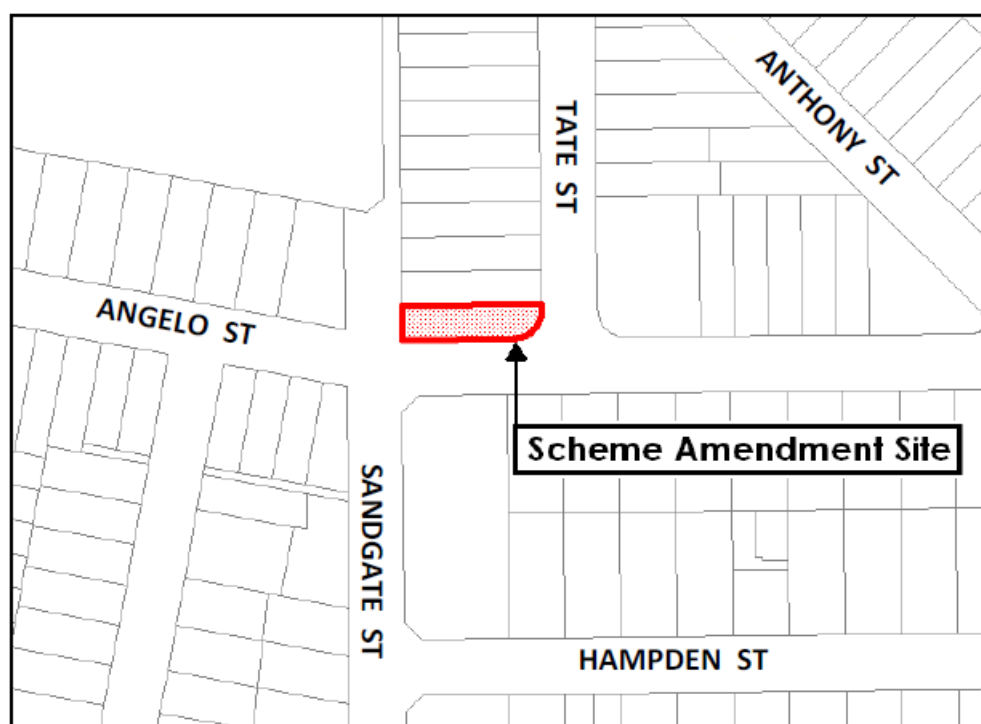
This report presents a proposal to initiate Amendment No. 31 to Town Planning Scheme No. 6 (TPS6) to rezone the site at No. 47 Tate Street, South Perth in order to be consistent with the site's historic use as both a private residence and local business (currently Day Spa). The recommendation is that the Council adopt the necessary formal resolution to initiate the Scheme Amendment process, and that the draft Amendment No. 31 be endorsed to enable the Amendment to be advertised for public inspection and comment.

Background

The Amendment site details are as follows:

Current zoning	Residential R15
TPS6 Amendment proposed zoning and density coding	Split Residential and Local Commercial with R40 density coding over the whole site (as per the map within Attachment 10.3.3)
Lot area	590 sq. metres
Building Height Limit	7.0 metres
Existing Development	local business and private residence
Development potential	The ability to separate the two existing land uses by subdividing the site

The location of the subject site is shown below:



This report includes **Attachment 10.3.3**, being the Amendment report for community consultation and ultimately for the Minister's final determination.

The Amendment site comprises a lot on the corner of Tate Street and Angelo Street, South Perth. The subject lot is surrounded to the north, east and west by properties zoned Residential with R15 density coding. The property to the south of the subject site located on the corner of Sandgate Street and Angelo Street is zoned Public Assembly and contains the South Perth Uniting Church and associated child day care centre.

The rezoning is intended to more appropriately zone the land to reflect both its historic and current use for a local business, together with a private residence.

The proposal is aimed at providing land use certainty to the landowners for their existing business and is not part of any proposed redevelopment as the existing private residence was only recently constructed following a development approval being granted by the City in 2007. The proposal is intended to facilitate either 'green title' subdivision or strata-subdivision of the land in accordance with the existing uses. The proposed R40 density coding will allow division into two allotments for the residence and Day Spa.

Comment

(a) Rationale for supporting Scheme Amendment

The requested Scheme Amendment is considered reasonable, having regard to the unique history of the site. The mixture of residential and local business use has continued since the 1940's.

A partial Local Commercial zoning of the land would be consistent with the wider role Angelo Street plays within the South Perth community with the existing land uses on parts of this street including shopping, school and church. The rezoning is also consistent with the immediate surrounds, where the non-residential Uniting Church and Day Care Centre operates opposite the site.

The proposal is also consistent with the approach taken by the City of South Perth to similar local businesses either by way of past town planning scheme reviews, or subsequent site-specific Scheme Amendments.

(b) Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

(1) The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.

The proposed Scheme Amendment meets this overriding objective.

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality.*

(c) Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6

Clause 7.5 of TPS6 is applied in the context of an application for development approval rather than requests for amendments to TPS6. However, it is appropriate to consider the provisions of Clause 7.5 at the present time in relation to the applicant's request.

Clause 7.5 lists a range of matters to which the Council is to have due regard, and in connection with which the Council may impose conditions of development approval.

Of the 24 listed matters, the following are particularly relevant to the current proposal:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
 - (i) *the preservation of the amenity of the locality; and*
 - (x) *any other planning considerations which the Council considers relevant.*

The proposed Scheme Amendment is considered satisfactory in relation to the above matters.

Consultation

Community consultation has not yet been undertaken in relation to the proposed Scheme Amendment. Neighbour and community consultation requirements are contained in the Town Planning Regulations and in the City's Policy P301 "Consultation for Planning Proposals". Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment; and also to the Water Corporation.

Community consultation will involve a 42-day advertising period, during which a sign will be placed on the site inviting submissions, and notices will be placed on the City’s web site, in the Southern Gazette newspaper and in the City’s Libraries and Civic Centre. Any submissions received during this period will be referred to a later Council meeting for consideration.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 31 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment No. 31 to TPS6	27 September 2011
Council adoption of draft Scheme Amendment No. 31 proposals for advertising purposes	27 September 2011
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC and Water Corporation for information	Early October 2011
Public advertising period of not less than 42 days	November 2011
Council consideration of Report on Submissions	February 2011
Referral to the WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council’s recommendation on the proposed Amendment No. 31; • Three signed and sealed copies of Amendment No. 31 documents for final approval 	Unknown
Minister’s final determination of Amendment No. 31 to TPS6 and publication in <i>Government Gazette</i>	Unknown

Immediately after the Council has endorsed the draft Amendment proposals for advertising, the Amendment documents will be forwarded to the Environmental Protection Authority for environmental assessment during a 28 day period, and a copy will be forwarded to the WAPC and the Water Corporation for information. Public advertising of Amendment No. 31 will commence upon receiving favourable assessment and advice from the EPA.

Financial Implications

Financial costs incurred during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the Council’s adopted fee schedule. In this case, the estimated Planning Fee is \$8,000, payable upon initiation of the Amendment by the Council. At the conclusion of the Amendment process the actual fee will be based on officers’ time and other actual costs incurred by the City.

Strategic Implications

This matter relates to Strategic Directions 3 “Housing and Land Uses” identified within the Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

The rezoning proposal does not include any plans for future redevelopment of the site. Scheme Amendment No. 31 simply provides the landowners with surety in regard to the existing non-conforming commercial use.

Conclusion

The requested amendment to TPS6 is considered reasonable, having regard to the unique history of the site which has been used for both residential and local business purposes for around 70 years. Given the location of the site on the corner of Tate Street and Angelo Street, the property is well suited to ongoing commercial use. The rezoning is also consistent with the immediate surrounds, where the non-residential Uniting Church and Day Care Centre operates opposite the site.

Increasing the density coding from R15 to R40 over the whole site will allow future strata or 'green title' subdivision of the site based on its current use. This approach is consistent with other similar properties in South Perth and Como.

The proposed Amendment is consistent with orderly and proper planning and will formalise the historic and ongoing use of the site's existing residential and commercial land uses.

Following Council's resolution to initiate the Scheme Amendment, the draft Amendment documents will be made available for community comment before being referred to the Western Australian Planning Commission and the Minister for final determination.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3
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That ...

- (a) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.3.3**;
- (b) the Report on the Amendment containing the draft Amendment No. 31 to the City of South Perth Town Planning Scheme No. 6, **Attachment 10.3.3**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission and the Water Corporation for information;
- (c) upon receiving clearance from the Environmental Protection Authority, community advertising of Amendment No. 31 be implemented in accordance with the Town Planning Regulations and Council Policy P301; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 31:

FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision.
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CARRIED EN BLOC RESOLUTION

10.4 STRATEGIC DIRECTION 4: PLACES
Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT
Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - August 2011

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 12 September 2011
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

The attachments to this financial performance report are part of a comprehensive suite of reports that have been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also measures actual financial performance against budget expectations.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City has previously adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City provides comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2011/2012 Adopted Budget and the 2011/2012 Amended Budget including the introduction of the capital expenditure items carried forward from 2010/2011 (after September 2011).

A monthly Statement of Financial Position detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting this statement on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

The major components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - Attachment 10.6.1(6)(A) and 10.6.1(6)(B) *(not presented for July or August)*
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 August 2011 is \$32.33M which represents 100% of the \$32.30M year to date budget. Revenue performance is very close to budget expectations overall - although there are some individual line item differences. Grant revenue is slightly better than anticipated and this will be recognised in the Q1 Budget Review. Meter parking and infringement revenue are slightly ahead of budget expectations. Interest revenues are close to budget expectations to date. Interim rates revenue is slightly higher than anticipated at this stage and pre-interest charges from ratepayers opting for instalment payments for rates is higher than expected.

Planning & Building revenues were close to expectations for August but were impacted by a lower level of applications during July than was expected. Collier Park Village revenue is in line with budget expectations whilst the Collier Park Hostel revenue remains 2% favourable following the phasing in of anticipated adjustments to some commonwealth subsidies after an external review of aged care subsidies.

Golf Course revenue is some 23% below budget targets as revenues were again impacted by a combination of adverse weather conditions and disruption to the course during the major 9 hole course upgrade. This variation is being monitored and expected to improve when Island 9 re-opens.

Infrastructure Services revenue largely relates to waste management levies at this stage of the year and these are slightly ahead of budget due to billing a higher number of services than was anticipated when the budget modelling was done. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 31 August 2011 is \$7.75M which represents 103% of the year to date budget. Operating Expenditure is 9% under budget in the Administration area, 4% under budget for the golf course and presents as 15% over budget in the Infrastructure Services area. However, this is not an accurate reflection of the situation as significantly higher depreciation expense (non cash item) attributable to major infrastructure revaluations is responsible for all of this apparent over-expenditure. In fact, on removing this anomaly, expenditure in the Infrastructure Services is slightly under budget.

Operating expenses are typically favourable to budget due to a combination of factors including approved but vacant staff positions and favourable timing differences on invoicing by suppliers (a common occurrence during early in the year - immediately after the 30 June billing frenzy).

A number of infrastructure maintenance activities including park and grounds maintenance, roads and paths maintenance and building maintenance are currently quite favourable due to programs being readied for implementation pending contractor availability and suitable weather conditions. These variances are all expected to reverse back in line with budget expectations in the next few months. Waste management costs are close to budget expectations. Golf Course expenditure is currently slightly favourable due to timing considerations.

The most significant variance, as noted above, is that associated with depreciation expense in the area of asset holding costs associated with roads, paths and drains. New valuation methodologies introduced at 30 June 2011 resulted in a \$57.7M increase in the carrying value of these classes of infrastructure assets. As a consequence the non cash depreciation expense required to be disclosed in the accounts is expected to increase by some \$4.8M over the full year. This was not accounted for at the time the budget was derived - because it was not a known impact. Because non cash expenses such as depreciation are 'added back' when determining the budget position and the amount required from rates, these critical financial figures will not be affected by this change.

There are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.2% under the budget allocation for the 227.2 FTE positions approved by Council in the budget process. There are several factors impacting this - vacant positions yet to be filled, staff on leave and timing differences on agency staff invoices.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$0.17M at 31 August against a year to date budget of \$0.10M. This variance is attributable to the settlement of two CPV units to date rather than the one that was budgeted for. Details of the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 August 2011 is \$2.72M representing 85% of the year to date budget of \$3.19M. At this stage most of the expenditure relates to the CPGC works and some preliminary infrastructure project establishment costs. Most of the capital program is not scheduled to commence properly until after August.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the October management accounts onwards.

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	5,000	252	0%	180,000
Financial & Information Services *	28,500	29,930	105%	1,285,000
Development & Community Services	205,000	116,479	57%	1,215,000
Infrastructure Services	585,692	546,195	93%	7,889,924
Waste Management	70,000	80,805	115%	170,360
Golf Course	2,100,300	1,751,254	83%	5,768,760
UGP	200,000	197,179	99%	5,300,000
Total	3,194,492	2,722,094	85%	21,809,044

Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances which in turn promotes dynamic and prudent financial management.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.1**

That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) it is noted that the Schedule of Movements between the Adopted and Amended Budget Attachments 10.6.1(6)(A) and 10.6.1(6)(B) will not be presented for July or August 2011;
- (d) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 August 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	12 September 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates and General Debtors.

Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves. As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$48.72M (\$32.56M last month) compare to \$48.96M at the equivalent stage of last year. Reserve funds are \$3.00M higher overall than the level they were at the same time last year - reflecting \$2.2M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The UGP Reserve is \$0.6M lower. The Sustainability and Information Technology Reserves are each \$0.3M higher whilst the River Wall Reserve is \$0.2M higher. The Future Building Works Reserve is \$1.25M higher when compared to last year. The Future Municipal Works Reserve is \$0.5M lower and Waste Management Reserve is \$0.8M lower - but these funds (advanced to the Muni fund in late 2010/2011) will be replenished during the year. The CPGC Reserve is also \$0.4M lower as funds are applied to the Island Nine project.

Municipal funds are \$3.00M lower which reflects higher cash outflows on capital projects in the 2010/2011 year - leading to almost \$3.0M less in carried forward works. Early collections from rates so far are slightly ahead of last year after the first instalment date in late August. This again provides convincing proof that our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), are having a very positive effect on our cash inflows.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$16.88M (compared to \$1.38M last month) It was \$19.95M at the equivalent time in 2010/2011 - but this included some \$4.0M in carry forward works funding .
Attachment 10.6.2(1).

(b) Investments

Total investment in money market instruments at month end was \$47.67M compared to \$46.05M at the same time last year. This is due to the higher holdings of Reserve Funds as investments (but less carry forward monies as Municipal Funds) as described above.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 98.9% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational Guidelines for investments. All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Total interest revenues (received and accrued) for the year to date total \$0.29M - compared to \$0.31M at the same time last year. This result is attributable to the slightly higher levels of cash invested at this time.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 5.79% with the anticipated weighted average yield on investments yet to mature now sitting at 5.87% (compared with 5.87% last month). At-call cash deposits used to balance daily operational cash needs still provide a modest return of only 4.50% - unchanged since the November 2010 Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtor's category classifications (rates, general debtors & underground power) are provided below.

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of August 2011 (after the due date for the first instalment) represent 60.9% of rates levied compared to 60.0% at the equivalent stage of the previous year.

This provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2011/2012 Annual Budget and the range of appropriate, convenient and user friendly payment methods offered by the City. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) these have provided strong encouragement for ratepayers - as evidenced by the collections to date.

This collection result will be supported administratively throughout the year by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.51M at month end (\$2.26M last year) (\$1.77M last month). Whilst GST receivable is some \$0.3M higher, the prompt collection of a \$0.65M Pension Rebate Claim and tight management of Parking Infringement debts has resulted in a pleasing change in the composition of the outstanding debtors' balances at this time. This is particularly important with respect to effectively maintaining our cash liquidity in the light of the less than anticipated budget opening position as discussed in Agenda Report 10.6.4.

The majority of the outstanding amounts are government and semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$6.74M billed for UGP Stage 3 project, (allowing for adjustments), some \$6.28M was collected by 31 August with approximately 82.8% of those in the affected area electing to pay in full and a further 16.5% opting to pay by instalments. The remaining 0.7% (15 properties) represents properties that are disputed billing amounts. Final notices were issued and these amounts have been pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. As a result of these actions, legal proceedings were instituted in relation to three outstanding debts (two have since been settled). Two others paid in full, 8 have commenced a payment plan, two others are yet to reach a satisfactory arrangement and one has been escalated to further action.

Collections in full continue to be better than expected as UGP accounts are being settled in full ahead of changes of ownership or as an alternative to the instalment payment plan.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to recognise that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Consultation

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City whilst discharging our accountability to our ratepayers.

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report as is the DOLG Operational Guideline 19.

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectibility of debts.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2

That Council receives the 31 August 2011 Statement of Funds, Investment and Debtors comprising:

- Summary of all Council Funds as per **Attachment 10.6.2(1)**
- Summary of Cash Investments as per **Attachment 10.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(3)**

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 September 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 August 2011 and 31 August 2011 is presented to Council for information.

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

The report format now reflects contemporary practice in that it now records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party. For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Payments made through the Accounts Payable function are no longer recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

Consultation

This financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

Policy and Legislative Implications

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.3**

That the Listing of Payments for the month of August 2011 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 End of Year Financial Management Accounts - June 2011.

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 September 2011
Author: Michael J Kent, Director Financial and Information Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

Management account summaries comparing actual performance against budget expectations for the 2010/2011 year are presented for Council review. Comments are provided on the significant financial variances disclosed therein.

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also measures actual financial performance against budget expectations.

Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. The City has adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value - whichever is the greater. Whilst this is the statutory requirement, the City provides comment on lesser variances where it believes this helps discharge accountability.

The local government budget is a dynamic document and is necessarily progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2010/2011 Adopted Budget and the 2010/2011 Amended Budget including the introduction of the capital expenditure items carried forward from 2010/2011.

A monthly Balance Sheet detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting the Balance Sheet on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

The major components of the monthly management account summaries presented are:

- Balance Sheet - **Attachments 10.6.4(1)(A) and 10.6.4(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.4(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.4(3)**
- Summary of Capital Items - **Attachment 10.6.4(4)**
- Schedule of Significant Variances - **Attachment 10.6.4(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.4(6)(A) and 10.6.4(6)(B)**

Operating Items

Operating Revenue to 30 June 2011 is \$42.57M which represents 101% of the Total Budget. The CEO Office achieved 102% of budget for the year for operating revenue - thanks to the recognition of unbudgeted revenue from reimbursement of costs associated with the Swan St property and some unbudgeted insurance proceeds.

Financial and Information Services exceeded their revenue budget by some 1% (\$336,091) although two thirds of this (\$231,519) was attributable to the Grants Commission paying one quarter of our 2011/2012 grant funding in June 2011. This early payment is not an extra payment - and now means that the City will receive less funding in 2011/2012 than it would normally have done. Of the remainder, some \$56,841 relates to a change of accounting treatment of consultant fees on the building project and a further amount relates to the unbudgeted sale proceeds from two City owned rights of ways. Investment revenue was slightly below expectations as was revenue from property enquiries due to a downturn in the level of property sales in the City in 2010/2011. Utility costs recouped were ahead of budget expectations - but were offset by increased expenditure.

The Development and Community Services Directorate finished the year 3% (\$147,962) ahead of budget largely due to an unexpected but very pleasing revenue performance at the Collier Park Hostel (\$148,698 ahead of budget). Fiesta revenue was \$23,500 ahead of revenue budget due to an unbudgeted Healthways grant whilst Planning revenue finished just \$7,374 below budget. Building Services Revenue was some \$38,598 behind budget after a quiet last 4 months of the year.

Infrastructure Services concluded the year 1% (\$85,502) ahead of budget expectations - a result largely attributable to the Grants Commission paying one quarter of our 2011/2012 grant funding in June 2011. This early payment is not an extra payment - and now means that the City will receive less funding in 2011/2012 than it would normally have done. Contributions to third party road works were modestly ahead of budget expectations as were waste management revenues and parks contributions.

Golf course revenue finished the year some 3% (\$65,427) behind budget expectations - a trend that must be reversed if the golf course is to be able to meet the demands of the loan regime associated with the Island 9 hole upgrade borrowings.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5).**

Operating Expenditure to 30 June 2011 is \$39.93M which represents 100% of the Total Budget. The costs within the Chief Executive's Office were 1% over budget. Salary savings on corporate support were offset by over-expenditure on elected members training and conferences.

Operating Expenditure for the Financial and Information Services area (after allocations outwards) is reported as 3% (\$110,751) under budget. A favourable variance attributable to deferral of corporate borrowings is responsible for some 74% of this under expenditure. Salary savings and under allocations in the Information Technology and Customer Focus areas were significant whilst Library Services incurred a 2% (\$31,849) unfavourable variance due to relocation, storage and re-establishment costs incurred as part of the new library building project.

Operating Expenses in the Development and Community Services Directorate were 1% (\$128,57) under budget overall at year end. Savings in Building Services & Planning Services were attributable to not requiring the anticipated level of use of external consultants (which made a significant contribution to this result) as did savings on cleaning and depreciation costs for halls. Other sections of the directorate were impacted by various small favourable and unfavourable variances on individual line items. The directorate administration area finished the year \$11,751 ahead due to savings on consultancy from works undertaken in-house.

Pleasingly, the Collier Park Retirement Complex was only 2% over budget at year end - despite the significant favourable variance on revenues. This result was primarily attributable to additional salaries, accreditation costs and maintenance costs in the hostel.

The Engineering Infrastructure arm of the Infrastructure Services Directorate ended the year only 2% (\$161,900) over budget with the main items contributing to this result being slightly less than budgeted recovery of overheads and fleet costs and some additional maintenance expenditure being required on drainage infrastructure.

The City Environment area also finished the year 2% (188,837) unfavourable. The cost of maintaining parks and reserves was on budget at year end. Streetscape maintenance was 4% over budget because of the service level necessarily provided to manage risk and maintain the desired standard of streetscapes. Building maintenance was 3% over budget - mostly relating to additional maintenance required at sporting pavilions. Environmental management was some 12% in excess of the approved budget allocation - and this area is to be more closely monitored in the new year. Overheads were also slightly under recovered in the City Environment area for the year.

Waste management costs were 1% (\$26,632) favourable at year end with the Transfer Station and recycling costs each representing close to half this variance. Golf course expenditure was 4% (\$58,874) under budget at year end - mainly attributable to salary savings and fewer commissions paid to the course controller because of weaker green fee performance.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5).**

Employee Costs

Salary and associated costs for the year include superannuation and amounts transferred to provisions for statutory employee entitlements such as annual and long service leave. These totalled \$14.73M against a budget of \$15.11M - delivering a favourable variance of 2.5%. Employee entitlements mentioned above (annual and long service leave) are fully cash-backed as part of our responsible financial management practice.

Staff costs within the Chief Executive's Office which includes Human Resources, Communications, Governance and Rangers areas were 4.90% under budget overall at year end due to some vacancies experienced during the year. The Financial and Information Services area was 0.91% under budget for staff costs with most areas very close to budget. Information Services was under budget due to very effective rostering in the Customer Focus Team. Financial Services was slightly under budget and the Libraries area was 1.4% over budget at year end.

Staff costs in the Development and Community Services Directorate were 1.13% under budget at year end. Directorate Administration was 3.39% over budget. Planning Services ended the year 1.29% over budget due to a decision to undertake certain strategic urban planning studies in-house resulting in an offsetting saving on consultants expenses. Building Services was significantly under budget due to staff vacancies during the year - but this was covered by increased use of consultants. Health Services was 11.52% under budget due to staff movements and vacancies during the year. Community Culture and Recreation was on budget at year end. Total staff costs at the Collier Park Retirement Complex were 3.39% over budget at year end - but this largely reflects the impact of the transition to the new staff structure and some additional costs associated with the extra revenue generated at the hostel.

Infrastructure Services staff costs were within 3.70% of budget overall. Directorate Support was 26.8% under budget largely because of long term vacancies during the year. City Environment salaries finished 5.80% over budget at year end whilst Engineering Infrastructure finished with its salaries expenditure 7.29% under budget due to some field staff vacancies. Collier Park Golf Course experienced several vacancies during the year - resulting in a 9.70% favourable variance on staff costs.

Staff costs recorded in the accounts include all temporary staff costs for the year as well as permanent staff. A portion of the savings relates to not using allocated sums to 'back fill' positions during short term leave.

The most significant aspects of other labour related costs for the year were retrospective upwards adjustments to prior year workers compensation premiums as ongoing claims were resolved. The City's workers compensation insurers operate on a 'burning cost' premium basis. That is, at the beginning of the year, the City pays a 'deposit premium' based on a percentage of staff salary and wage costs. The insurer then anticipates (based on prior experience) that a certain amount of that deposit premium will be absorbed as the inevitable workers claims are lodged and validated. Providing that payment in settlement of such validated claims does not exceed the 'deposit premium amount', there is no additional amount payable by the City.

However, despite the City's current excellent safety and injury management record, 2010/2011 was a year in which a number of incomplete claims from previous years were settled. The resolution of these claims was a positive initiative as it brings closure to a number of previously unresolved claims - but because the cumulative impact of these settlements exceeded the insurer's expectation of our claims experience, we were billed a very significant workers compensation premium adjustment during the year. Fortunately, prudent accounting practices at the City has anticipated such an event and we had accumulated funding in a cash backed reserve which was able to be transferred back to the municipal fund to help offset this unbudgeted expenditure.

Capital Items

Capital Revenue of \$3.38M represents 118% of the Total Budget. One of the most significant factors contributing to this favourable variance was a \$350,000 river wall grant received very late in the financial year (too late to make a budget adjustment for the revenue or the resulting expenditure). Road grant revenue was very close to budget expectations. Revenues from leasing units at the Collier Park Village ended the year well ahead of expectations (\$166,637) due to a higher than anticipated number of units being turned over during the year. Because this will subsequently result in additional refurbishment costs being incurred in the future, the funds have been transferred to the Collier Park Village Reserve in the interim period.

Capital Expenditure of \$18.45M represents 100% of the Total Budget of \$18.46M. Of this, some \$7.0M relates to the Library and Community Facility project and \$8.0M was expended on upgrading infrastructure assets. The 2011/2012 Annual Budget flagged potential gross carried forward expenditure of \$0.95M but following adjustment to reflect actual (rather than projected expenditure) on the identified works, an amount of \$0.82M will be adopted at the September meeting of Council.

Combined with the completed works, this represents 104.3% of the full year budget. As a general principal, the combined total of completed works and carry forward works should not exceed the total budget as this amount would not have been fully funded.

In this year's instance, however, most of the overspend relates to three specific items:

- The unbudgeted, but grant funded, expenditure on the river walls (approx \$320K)
- Accelerated expenditure on the CPGC island 9 hole upgrade project (approx \$300K)
- Accelerated expenditure on the transfer station upgrade (approx \$140K)

The funds required for the CPGC and transfer station upgrades will be re-instated via a transfer from the cash backed CPGC and Waste Management Reserves in September. However, the impact of other small variances in the capital program will mean that the City commences the 2011/2012 year with a lesser opening position than had been allowed for in developing the budget. The impact of this is discussed later in this report.

A detailed report on the Capital Projects and the list of Carried Forward Works is presented to Council as Item 10.6.5 of this Agenda. Further comment on variances relating to Capital Items may be found in **Attachment 10.6.4 (5)**.

Borrowings

City borrowings of \$2.0M at a fixed interest rate of 5.48% over 10 years were undertaken during the year (in accordance with all statutory obligations). These borrowings (Loan 225A) were part of the planned budget program to ensure that the City maintained a responsibly balanced blend of funding options.

Balance Sheet (Management Account Format)

Current Assets at year end are \$36.35M compared to \$37.84M in 2009/2010. Cash holdings are almost unchanged whilst Receivables are now \$1.68M lower than the previous year - reflecting extremely good cash collections - but a faster rate of cash burn during the year as major projects such as the Library & Community Centre were completed. Inventories are very close to last year's levels - reflecting effective management of stock levels. Prepaid expenses appear higher than the previous year - but are actually lower, other than the once in 3 year invoice from Landgate for property valuations (\$176,534). This amount will be progressively expensed over 3 years.

Current Liabilities are slightly higher than their position at year end last year being \$6.96M against \$6.78M. Accounts Payable has decreased by \$0.51M (this accounts for some of the cash use noted above). Employee Entitlements (under legislation) for annual leave & long service leave have necessarily increased by \$0.33m - but are offset by a reduction in the non current portion. Current Loan Liabilities are \$0.36M higher than at the same time last year due to the new borrowings.

Non Current Assets as at 30 June 2011 are \$268.69M after capitalising infrastructure assets created during the year - and revaluing roads, paths and drains to current replacement value at 30 June 2011. This compares to \$206.61M at this time last year.

\$57.77M of this difference is attributable to the revaluation impact of the value of infrastructure assets as shown below:

- Roads Network value increase by \$49.62M
- Paths Network value increase by \$ 9.45M
- Drainage Network value increase by \$ 5.19M

By far the most significant component of this infrastructure value increase is the road network. The City's auditors have suggested that this large 'one-off' adjustment reflects the recent experience of a number of metropolitan local governments who have adopted the new road asset valuation methodology now being required by the grant funding bodies.

The remainder of the increase in non current asset reflects the capitalisation of the new Library and Community Centre. Non Current Receivables have decreased by \$0.62M largely due to the accelerated collection of UGP debts during the year.

Non Current Liabilities finished the year at \$36.33M - an increase of \$2.12M on the 30 June 2010 balance. The combined CPV / CPH Leaseholder Liability increased from \$27.33M to \$29.21M in 2010/2011. The increase was a consequence of higher market values being paid for the residential units - with the attendant obligation to refund the larger values to departing residents. The resulting increase in leaseholder liability is offset by an increase in Investments associated with the Reserve Fund in which the refundable amounts are quarantined.

Offsetting this was a \$0.53M decrease in Non Current Payables as new accounting regulations require the removal of Trust liabilities and the attendant cash backing from the balance sheet. There was also a \$0.28M decrease in Non Current Provisions for Employee Entitlements.

The balance of Non Current Loans increased in net terms by \$1.05M after including the new borrowings, reclassifying the current / non current balance split and removing the loan capital payments made during 2010/2011.

Financial Ratios

The City’s solid financial position and longer term financial sustainability are reflected in the key financial ratios with the City bettering the preferred industry benchmark in almost all financial ratios as is shown in the table below:

The only area to not exceed industry benchmarks was the liquidity ratios - and there were two exceptional circumstances contributing to that outcome. One was the new requirement to remove Trust funds and liabilities from the Balance Sheet. Whilst this is neutral in aggregate and has no effect on the overall Balance Sheet, the Trust Cash was previously recognised as a current asset and most of the Trust Liability was non current. Complying with this new requirement reduced the Current Ratio from 1.05:1 and the Untied Cash to Creditors ratio from 0.40:1.

The other significant contributing factor was the receipt of supplier invoices relating to the CPGC upgrade and Transfer Station upgrade after 30 June denying the City the opportunity to reimburse Municipal (unrestricted) funds for some \$0.51M worth of accelerated expenditure from cash backed reserves (which are classified as restricted cash) before year end. The impact of this was to further reduce the Current Ratio and Untied Cash Ratio from 1.20:1 and 0.55:1 respectively.

Notwithstanding these explanations, these two ratios still highlight the importance of effectively managing cash liquidity in the upcoming year. Converting debtors to cash in a timely manner and operating within the approved expenditure budgets will need to be high priorities in the 2011/2012 year.

Financial Ratio	Benchmark	2010/2011	2009/2010	2008/2009
Liquidity Ratios				
Current Ratio	> 1.00:1	0.92:1	2.20:1	1.66:1
Untied Cash to Creditors	> 1.00:1	0.25:1	1.18:1	0.60:1
Debt Ratios				
Debt Service Ratio	< 10%	2.24%	2.14%	1.16%
Gross Debt to Revenue	< 0.60:1	0.18:1	0.15:1	0.13:1
Gross Debt to Realisable Assets	< 0.30:1	0.05:1	0.04:1	0.03:1
Coverage Ratios				
Rates Coverage Ratio	< 60%	52.0%	49.5%	51.6%
Effectiveness Ratios				
Outstanding Rates Ratio	< 5%	1.3%	1.4%	1.7%
Financial Position Ratios				
Debt Ratio (Debt to Assets)		14.2%	16.8%	15.8%

Opening Position

The most demonstrable impact of the liquidity ratios discussed above is that the City has begun the 2011/2012 financial year with an actual adjusted opening position of only \$15,426 versus the budgeted opening position of \$208,213. Given this is \$192,787 less than was expected, disciplined financial management will be required to ensure that the City retains its good financial standing. The strategy to address this situation will be reflected in the Q1 Budget Review to be presented to Council in October.

Consultation

This is a financial report prepared to provide financial information to Council and the City's administration to provide evidence of the soundness of financial management being employed by the administration. It also provides information and discharges financial accountability to the City's ratepayers.

Policy and Legislative Implications

In accordance with the requirements of the Section 6.4 of the Local Government Act and Local Government Financial Management Regulations 34 and 35.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

This report primarily addresses the 'financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4
--

Moved Cr Best, Sec Cr Lawrance

That

- (a) the Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.4(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.4(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35;
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2010/2011 provided as **Attachments 10.6.4(6)(A)** and **10.6.4(6)(B)** be received; and
- (d) the Rate Setting Statement provided as **Attachment 10.6.4(7)** be received.

CARRIED (11/0)

10.6.5 Carry Forward Projects as at 30 June 2011

Location: City of South Perth
Applicant: Council
File Ref: FS/FI/1
Date: 9 September 2011
Author: Michael J Kent, Director Financial and Information Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

Projects for which unexpended funds are recommended for carrying forward into the 2011/2012 year are identified and listed on the attached schedule.

Background

The 2010/2011 Budget included \$2.88M in Capital Revenue - with some \$3.38M being received by 30 June. The favourable variance was attributable to a \$350,000 unbudgeted grant from the Swan River Trust (offset by similar unbudgeted revenue) and around \$166,637 in additional refurbishment levies and lease premiums at the Collier Park Village.

The 2010/2011 Budget also included Capital Expenditure projects totaling \$18.47M of which \$18.46M (100%) was expended by 30 June 2011. Of this expenditure, some \$7.0M relates to the Library and Community Facility project and \$8.0M was expended on upgrading infrastructure assets. The remainder was applied to sundry capital projects. The 2011/2012 Annual Budget flagged potential gross carried forward expenditure of \$0.95M but following adjustment to reflect actual (rather than projected expenditure) on the identified works, an amount of \$0.82M will be adopted at the September meeting of Council.

Combined with the completed works, this represents 104.3% of the full year budget. As a general principal, the combined total of completed works and carry forward works should not exceed the total budget as this amount would not have been fully funded.

In this year's instance, however, most of the overspend relates to three specific items:

- The unbudgeted, but grant funded, expenditure on the river walls (approx \$320K)
- Accelerated expenditure on the CPGC island 9 hole upgrade project (approx \$300K)
- Accelerated expenditure on the transfer station upgrade (approx \$140K)

The funds required for the CPGC and transfer station upgrades will be re-instated via a transfer from the cash backed CPGC and Waste Management Reserves in September. However, the impact of other small variances in the capital program will mean that the City commences the 2011/2012 year with a lesser opening position than had been allowed for in developing the budget.

The budgeted Net Capital Position (Revenue - Expenditure) for 2010/2011 was \$15.59M. The Actual Net Capital Position (after allowing for the net carry forward works of \$0.82M) was \$15.90M which is approximately 102% of the budgeted position - and within reasonable financial tolerances.

Comment

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it - and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be identified as a Carry Forward item.

During the budget process, a series of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council. Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end.

The underlying principle is that the final carry forward amount for any individual project should not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

For the purpose of developing the 2011/2012 Annual budget, Carry Forward Works of \$0.95M were identified. Actual Carry Forward Works (as noted above) are \$0.82M.

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects can differ slightly from the amounts published in the adopted budget.

For 2010/2011, the final identified Carry Forward Capital Projects total \$825,000.

Consultation

For identified significant variances, comment was sought from the responsible managers prior to the item being included in the Carry Forward Capital Projects.

Policy and Legislative Implications

Consistent with relevant professional pronouncements and good business practice but not directly impacted by any in-force policy of the City.

Financial Implications

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there is necessarily some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Carry Forward Works. This is consistent with responsible financial management practice.

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5
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That the Schedule of (final) Carry Forward Capital items from 2010/2011 into the 2011/2012 Budget as disclosed on **Attachment 10.6.5** is adopted .

CARRIED EN BLOC RESOLUTION

10.6.6 Financial Interest Returns 2010-2011

Location: City of South Perth
Applicant: Council
File Ref: GO/701
Date: 1 September 2011
Author: Gina Nieuwendyk, Corporate Support Officer
Reporting Officer: Phil McQue, Manager Governance and Administration

Summary

In accordance with the City's Management Practice M523 "Financial Interest Returns", the CEO is to prepare a report on the lodging of returns for presentation to Council as soon as reasonably practicable after 31 August each year.

Background

Part 5 of the *Local Government Act 1995* requires that Councillors and 'designated employees' (that is, employees who exercise delegated power) to lodge a Statement of their Financial Interests within three months of the commencement of their term or employment respectively (Primary Return) and annually thereafter by or before 31 August each year (Annual Return).

Comment

Returns from Councillors and designated employees were lodged in accordance with the Act.

Consultation

Nil.

Policy and Legislative Implications

The report records compliance with the statutory requirements governing the lodgement of financial interest returns as required by the *Local Government Act 1995*.

Financial Implications

Nil.

Strategic Implications

The proposal is consistent with Strategic Goal 6: Governance "Ensure that the City's governance enables it to both respond to the community's vision and deliver its service promises in a sustainable manner".

Sustainability Implications

Reporting on the lodging of Financial Interest Returns contributes to the City's sustainability by promoting effective communication.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.6**

That report Item 10.6.6 of the September 2011 Council Agenda on the lodging of Financial Interest Returns for 2010-2011 be received.

CARRIED EN BLOC RESOLUTION

10.6.7 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 2 September 2011
 Author: Kay Russell, Executive Support Officer
 Reporting Officer: Phil McQue, Governance and Administration Manager

Summary

To provide a report to Council on the use of the Common Seal.

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted: *“That Council receive a monthly report as part of the Agenda.....on the use of the Common Seal.....*

Comment

Clause 21.1 of the City’s Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Delegation DC346 “Authority to Affix the City’s Common Seal” authorises the Chief Executive Officer or a delegated employee to affix the common seal to various categories of documents.

Register

The Common Seal Register is maintained on an electronic data base and is available for inspection. Extracts from the Register on the use of the Common Seal are provided each month for Elected Member information.

August 2011

Nature of Document	Parties	Date Seal Affixed
Lease and Deed of Agreement to Lease	City of South Perth; and Delys Norma Harrold	2 August 2011
Form 5W - Application to Landgate to give 21 days notice re the removal of a caveat from 17 Alston Ave	City of South Perth	30 August 2011

Policy and Legislative Implications

Clause 21 of the City’s Standing Orders Local Law 2007 describes the requirements for the safe custody and proper use of the common seal.

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

Reporting of the use of the Common Seal contributes to the City’s sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7
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That the report on the use of the Common Seal for the month of August 2011 be received.
CARRIED EN BLOC RESOLUTION

10.6.8 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 September 2011
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of August 2011.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows: *“That Council receive a monthly report as part of the Agendaon the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6....”*.

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 “Town Planning Scheme No. 6” identifies the extent of delegated authority conferred upon City officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of August 2011, sixty five (65) development applications were determined under delegated authority, as listed in the **Attachment 10.6.8**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to Strategic Direction 6 “Governance” within the Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms:

Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.

Sustainability Implications

Reporting of Applications for Planning Approval Determined under Delegated Authority contributes to the City’s sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.8
--

That the report and **Attachment 10.6.8** relating to delegated determination of planning applications during the month of August 2011, be received.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr Cridland

I hereby apply for Leave of Absence from the Council Meeting to be held 27 September 2011 in the event I am unable to attend.

COUNCIL DECISION ITEM 11.1

Moved Cr Howat, Sec Cr Trent

That Cr Cridland be granted leave of absence from the Council Meeting held on 27 September 2011.

CARRIED (11/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

13.1.1 Laws and Regulations Governing Underground Storage Sites.....Cr P Best

Summary of Question

Is the Administration aware of the large number of State and Federal Laws, Regulations and Guidelines that apply to sold, abandoned, rehabilitated and renovated underground storage sites such as service stations? In the context of managing risk to the City and residents, how do we intend to ensure that these requirements are met.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 1 September 2011, a summary of which is as follows:

The City is aware of the *Contaminated Sites Act 2003* and the *Contaminated Sites Regulations 2006*. This legislation is governed by the Department of Environment and Conservation. The purpose of this legislation is for the owners of any properties to notify the Department of those properties if, by current or previous use they are contaminated or potentially contaminated. The Department corresponds with the City in relation to any properties that are within its jurisdiction, in relation to the status of a site ie potentially contaminated, further investigations required or decontaminated, if a site has been remediated. City officers liaise with the Department if there are any redevelopments proposals or the like in relation to any property that is reportable under this legislation.

The responsibility for implementation of the legislation relating to such sites does not rest with the City but with property owners and other bodies. However, through the process described above, the City is made aware of the sites and has input into the remediation process, thereby protecting the interests of the City's residents.

13.2 Questions from Members

13.2.1 Old Mill Precinct Redevelopment Plan.....Cr T Burrows

Prior to reading out aloud his question, Cr Burrows 'tabled' 153 submission survey forms in response to a residents' meeting held to discuss the Old Mill Redevelopment proposal. Cr Burrows further stated that of the 153 responses, 152 were opposed to the redevelopment.

The CEO responded that one of the difficulties residents have in responding to a survey such as the one put out by Lloyd Collins (as tabled) is whether or not what is conveyed is factual. Having read the questionnaire some of the points included are not factual. Questions such as:

- "privatisation of land on the South Perth peninsula and foreshore"; and
- "ongoing financial implications"

has not been determined by Council

The CEO said the suggested ratio of responses opposed to the redevelopment reflect the questions in the survey and was not surprised at the results. The survey questions were similar to a previous survey circulated by Lloyd Collins. That is why Council conducted its own survey based on 'facts' where the majority of residents supported some type of development down in the Mill Point Precinct. The CEO further stated that he was confident that Council is proceeding in accordance with residents' wishes.

Summary of Question

Given that on 3 May 2011 (April Council Meeting) Council authorised the Administration to pursue issues relating to the Old Mill Precinct Redevelopment Plan, can you please provide an update on the action taken to date regarding the proposed redevelopment and its current status?

Summary of Response

The Chief Executive Officer responded that as reported to Elected Members via the Bulletin on 2 September, 2011 Garry Lawrence is currently still obtaining information from various consultants in relation to this project. Two areas in particular, restoring Millers Pool and the possibility of constructing a Tram House are the only two areas Council is pursuing at this time. A Council Briefing is scheduled for Monday 3 October 2011 to review progress of this project and a report will be submitted to the earliest available Council Meeting dependant on the outcome of that Briefing.

13.2.2 Declarations of Interest : Cr Trent

Summary of Question

Cr Trent referred to a recent Agenda for the Local Government Association Zone Meeting which included at Item 3 a reminder on the requirement to declare an interest. Cr Trent then read aloud the Declaration of Interest statement: *Pursuant to our Code of Conduct, Councillors must declare to the Chairperson any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and Deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.* As we have a similar Declaration of Interest requirement, would it be useful to include a similar statement in our Council Agenda?

Summary of Response

The Mayor said that given the importance the Local Government Regulations placed on 'Declarations of Interest' that the suggestion is worthy of investigation.

13.2.3 Terms and Conditions - Old Mill Redevelopment.....Cr Skinner

Summary of Question

Following on from Cr Burrow's question on the Old Mill Precinct Redevelopment Plan, could the CEO advise on the contractual arrangements ie terms and conditions in relation to Garry Lawrence.

Summary of Response

The Chief Executive Officer stated that the question was taken on notice.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

The Mayor sought an indication from Members as to whether they wished to discuss *Confidential* Item 15.1.1. Cr Best referred Members to the minor amendments he had suggested to Attachment 15.1.1 which had been circulated at the commencement of the meeting. The suggested minor amendments to Attachment 15.1.1 were supported by Members.

As there was no discussion proposed on Agenda Item 15.1.1 the meeting was not closed to the public.

DECLARATION OF INTEREST : ITEM 15.1.1

The CEO submitted the following Declaration of Interest:

I wish to declare a Financial Interest in Agenda Item 15.1.1 "Recommendations from CEO Evaluation Committee Meetings Held 31 August and 13 September 2011" on the Agenda for the Ordinary Council Meeting to be held 27 September 2011. As I am the subject of the report in question I will leave the Council Chamber at the Agenda Briefing on 20 September and the Council Meeting on 27 September 2011 while this item is being debated.

15.1.1 Recommendations from CEO Evaluation Committee Meetings Held 31.8. 2011 and 13.9.2011 *CONFIDENTIAL Not to be Disclosed REPORT*

Location: City of South Perth
Applicant: Council
Date: 9 September 2011
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

This report has been designated as ***Confidential*** under the *Local Government Act* Sections 5.23(2)(a) as it relates to a matter affecting an employee.

Note: ***Confidential*** Report circulated separately

COUNCIL DECISION ITEM 15.1.1

Moved Cr Burrows, Sec Cr Hasleby

That Council adopts the CEO Evaluation Committee Recommendations as contained in *Confidential* Report Item 15.1.1 of the September 2011 Council Agenda.

CARRIED (11/0)

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the public gallery the Minute Secretary read aloud the Council Decision at Item 15.1.1.

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 7.47pm

DISCLAIMER

The minutes of meetings of the Council of the City of South Perth include a dot point summary of comments made by and attributed to individuals during discussion or debate on some items considered by the Council.

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 11 October 2011

Signed _____

Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

27/09/2011 7:18:00 PM

Item 7.1.1 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:18:30 PM

Item 7.1.2 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:18:55 PM

Item 7.2.1 - 7.2.4 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:20:26 PM

Item 8.1.1 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:22:52 PM

Item 8.4.1 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:23:23 PM

Item 8.4.2 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:25:26 PM

Item 9.0 En Bloc Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

MINUTES: ORDINARY COUNCIL MEETING : 27 SEPTEMBER 2011

27/09/2011 7:35:07 PM

Item 10.6.4 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:35:45 PM

Item 11.1 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote

27/09/2011 7:45:31 PM

Item 15.1.1 Motion Passed 11/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Glenn Cridland, Cr Rob Grayden, Casting Vote